CIVIL SERVICE
JOURNAL
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90TH ANNIVERSARY OF THE
U.S. CIVIL SERVICE COMMISSION

THE POLITICAL AJAX DEFYING THE GODS

OH, THE DEGRADATION OF IT!

WHAT WE MUST DO ABOUT IT

COLUMBIA: HE COMES, NOT AS A VICTOR FOR SPOILS

CIVIL SERVICE JOURNAL

Volume 13 No. 4 April–June 1973

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WORTH NOTING

☐ UNIONS AND FEDERAL AGENCIES will have greater opportunities for bilateral negotiations as a result of several changes in the Federal Personnel Manual. The changes, summarized below, were approved by the Civil Service Commission after a year-long study:

—*Merit promotion.* Many detailed requirements replaced with ten requirements considered essential to preserving merit principles and employee equity. More discretion in development and operation of merit promotion plans allowed.

—*Performance rating appeals.* More leeway in processing performance rating appeals allowed, including increased latitude in establishing boards of review and procedures for board of review hearings.

—*Incentive awards.* Many requirements changed to guidance, thereby allowing more latitude in development or modification of cash awards and award scales. More discretion in granting cash awards allowed.

—*Withdrawal of resignation or retirement application.* Language changed to make clear that bilateral determination of circumstances under which an employee may withdraw a resignation or retirement application before it becomes effective is *not* prohibited.

—*Minimum charge for leave.* Charging of leave in increments other than 1 hour allowed. Requirements and guidance on transferring leave between different leave-charging systems provided.

—*Distribution of health benefits brochures.* Use of agency facilities or services for distribution of official health benefits brochures may be permitted.

Regulations implementing the changes, issued in mid-April, were scheduled to become effective within 6 months of the date of publication. Agencies that are required to deal with unions before implementing regulations become effective were requested to avoid "overprescriptive language that could limit appropriate opportunities for bilateral dealings."

Other regulations being studied by

(Continued—See Inside Back Cover)

The Press & Civil Service Reform

by CHARLES J. NELSON, Director of Program Development and Special Projects, Office of Public Affairs, CSC

THE NATION'S PRESS, using its power to inform the public, broke the final barriers to civil service reform, paving the way for enactment of the Civil Service Act of 1883. This is not to say that the press deserved *all* the credit for the birth of the civil service reform movement, however, or even that there was long-time general press interest in the subject.

The role of the press in calling attention to the need for civil service reform was nevertheless an extremely important one, starting with the elections of 1882. It was then that civil service reform developed as a principal issue in many States, and a large number of papers in the East and Midwest—plus a sprinkling of newspapers in the West—came to the movement's aid.

The impact of the press was described by one editorialist in 1884 in this way:

"It was such an engine as this that the Reformers had to help them in the canvass of 1882, and it swept everything before it. Day after day and week after week it discharged its Volleys, 'hot and heavy,' of solid argument and of telling facts, of scathing invective and poignant wit, against the abuses and the scandals of the spoils system . . . ."

A highly effective part of that engine was the cartoon—blunt and direct. *Puck's Weekly,* published in New York, depicted the assassinator of President Garfield, Charles Guiteau, with a Bulldog revolver in hand and calling for "an Office or Your Life."

The drawings on these pages and on the cover are the work of the most famous cartoonist of those times —Thomas Nast of *Harper's Weekly.* Nast was driven by what one of his biographers called a "flaming sense of righteousness" to use his pen to battle for the cause of civil service reform. Battle he did, quite effectively, his cartoons a powerful addition to the reform arsenal.

While impressive press support of civil service reform came in the 1880's, press interest in it actually began to build some 20 years before that. The mid-1860's were marked by sporadic outbursts against the spoils system by reformers and some government officials but, in general, there was little real public interest in reform. As a matter of fact, the public at large did not consider political patronage to be a great evil,

A FABLE LESSON

The American Vulture. "It is a double grief to me that I should perish by an arrow feathered from my own wings."

and arguments were advanced that patronage was the necessary cohesive that held the political parties together.

Civil service reform arguments were usually but another weapon for use by the "outs" against the "ins," or were brought up in the continuing struggles between the legislative and executive branches for control of the power to appoint and remove from government service. It was not until the early growth of the civil service during and after the Civil War, and the attendant opportunities to use public office for personal gain (more eagerly and openly seized than ever), that the press took any deep interest in the need for civil service reform.

Artemus Ward, Civil War satirist, perhaps capsuled the changing interest when he claimed the Union Army's hasty retreat from Bull Run was the result of a rumor of three civil service job vacancies in the New York customhouse. (In 1866, a Presidential Revenue Commission exposed fraud, waste, and inefficiency in the New York customhouse and estimated an annual loss of from $12,000,000 to $25,000,000.)

Two weeklies, *Harper's* and the *Nation,* were pushing civil service reform in the 1860's. In 1864 Senator Charles Sumner from Massachusetts introduced in Congress the first civil service reform bill calling for competitive examinations administered by a civil service commission. Some comment on this came from the *Washington Intelligencer* and from New York's *Times,* its *Evening Post,* and *Independent*—as well as from *Harper's* and the *Nation.* But the bill was generally ignored by the press.

In December 1865 Representative Thomas A. Jenckes of Rhode Island introduced a sweeping civil service reform bill, which was to be the subject of great and continuing newspaper comment and debate later, but it brought no headlines or editorial comment then and was noted by only a few newspapers. The *New York Times* belatedly recognized existence of the bill in January 1866, but felt it was ". . . too good and too much in advance of our civilization to pass . . . ." The press also practically ignored in that year the creation of the House Select Service Committee on the civil service and introduction of the Jenckes bill in the Senate by Henry B. Anthony, Senator from Rhode Island.

OUR STUMBLING BLOCK

In January 1867, however, a large section of the press responded favorably to a speech by Representative Jenckes in the Congress and threw its support behind his bill. One of Jenckes' supporters among the citizenry wrote him that the newspapers had given his speech such coverage that "the public have the Civil Service' well before them."

From this point on, press interest in civil service reform grew, and in February 1869 a correspondent wrote Jenckes that "every live Journal throughout the country" had endorsed civil service reform. Perhaps this was truth embellished by enthusiasm, but press interest in civil service reform was sufficient to be noted in Congress.

Despite the fact that the Congress took note of press backing of reform, it was not about to open its arms to a proposition that many Members and politicians publicly called "humbug" and privately considered a

real threat to their individual and collective power and—possibly—their careers. Yet even while Congress ridiculed reform, the press and the reformers pressed on.

The election of 1870 brought great publicity to the practice of assessment of employees by political parties. In one exposé the State committee of a political party slapped a $1,000 assessment on a Federal employee whose salary could not have been more than $6,000 a year. The going rate of assessment was supposedly 2 percent of annual salary, but the committee returned his $120 check and explained the $1,000 assessment on the ground that it was calculated upon the "ascertained income" of his office—$50,000.

Appointment of the first Civil Service Commission by President Grant in 1871 brought praise from the press, but that first Commission never quite made the grade. The reform movement reached a low point in 1875, due in great part to the fact that the well-publicized Grant Commission—talking much about theory but doing little about practical concerns—convinced many that reform had been tried and had failed.

But civil service reform was attracting broader support from people in all walks of life—merchants, lawyers, editors, clerics, and teachers. As their attention turned to reform, press interest in the question increased. President Garfield's death at the hands of job-seeker Guiteau in 1881 swelled the ranks of the press agitating for reform, and the "engine" began to run in earnest.

By continuing to blast the spoils system and by keeping the need for civil service reform in front of the public, the press aroused such public indignation that petitions for reform, signed by thousands, poured in to Congress. Voters in the fall elections of 1882 dumped a number of Members of Congress based solely on the Members' opposition to reform. The legislators then got the message, and a reform bill—the famed Pendleton Act—was introduced into Congress in December 1881, brought to debate December 12, 1882, and enacted into law January 16, 1883.

Once rolling and on the main line, the engine has never really stopped.

The press has kept a watchful eye on the progress of the civil service ever since the reform legislation was passed, 90 years ago. Sometimes the eye is benevolent, sometimes piercing—and strangely, sometimes both—but always it is ready and revealing.

Thoughtful Government administrators would not have it any other way.

#

TRAINING DIGEST

Training of State and Local Officials

Since the passage of the Intergovernmental Personnel Act, State and local participation in Federal training programs has increased at a substantial rate. During FY 1972, 20 agencies reported having trained a total of 353,053 State and local officials.

Through its training centers in Washington and the regions, the Civil Service Commission trained nearly 12,000 State and local employees in general management, personnel management, labor relations, management sciences, automatic data processing, and communications and office skills. Many courses in these subject areas were developed specifically for or "tailored" to meet the specific needs of State and local audiences.

During the first half of this fiscal year, 7,575 State and local employees participated in Commission-conducted programs. In addition, requests are rapidly increasing from State and local governments wanting technical advice and assistance in improving their internal training capabilities.

While State and local governments have special training needs, many of their needs are similar to those of Federal agencies. Section 302 of the Intergovernmental Personnel Act provides for the admission of State and local employees to training programs established by Federal agencies for their own personnel. FPM Chapter 410, Appendix B, further spells out these provisions and encourages Federal agencies to open their ongoing training programs to State and local employees.

When State and local employees have participated in Federal training programs, they have not only profited from the training themselves but have greatly enhanced its value to the Federal employees in attendance. This spin-off effect comes through the sharing of experiences, ideas, and perspectives from another level of government.

In view of the success of these training efforts, Federal agencies are strongly urged, particularly in their field installations, to publicize and encourage the participation of State and local employees in training responsive to their needs.

—Vi Pagos

CSC Seeks Changes

For Faster, Fairer Appeals

by JOHN MURTHA and TOM KELL

BOB JOHNSON was a supply management specialist with the Department of Defense. He'd been with Government 15 years and, for most of those years, had done a good job. Then, as Bob's supervisor tells it, something went wrong:

"I don't know exactly when it happened, but Bob changed. He seemed to lose his enthusiasm. He began to make a lot of mistakes—and he didn't even seem to care. I talked with him about any problems he might have, but he wouldn't admit there were any.

"The last time I tried to talk to him about it he flared up. Pretty soon we were in a shouting match. Some strong words were exchanged, and he walked off the job.

"He stayed away for a week. I was unable to get in touch with him, and we almost missed some critically important deadlines because of it.

"He did the same thing about 3 months ago and I gave him a reprimand. But this time it happened in front of other employees. If I don't maintain discipline here. . . . Well, I felt I had to fire him.

"I felt bad about it but, under the circumstances, there wasn't anything else I could do."

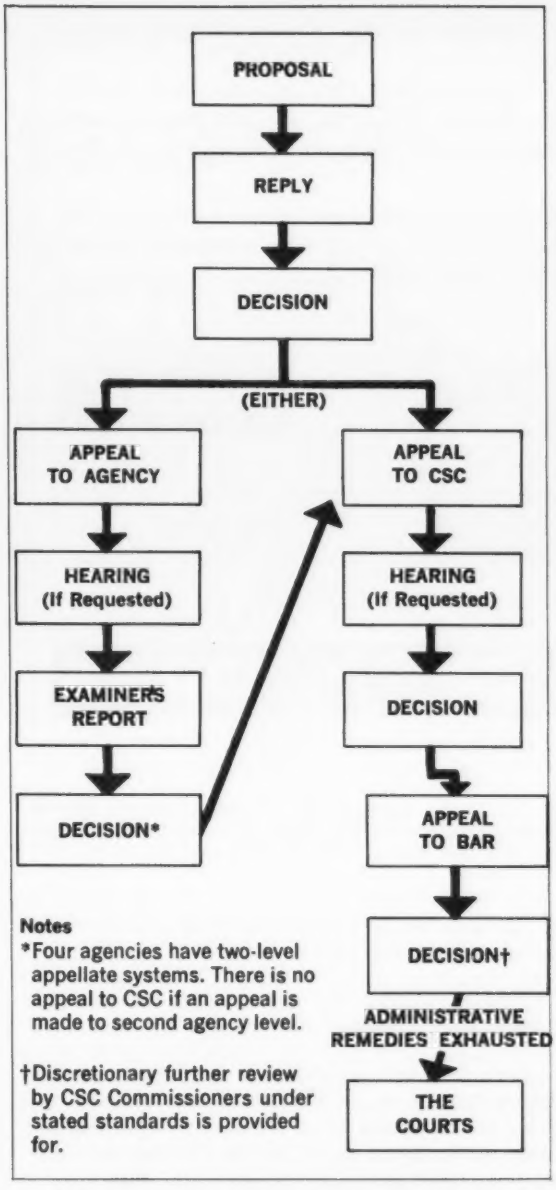
Bob disagreed. He felt there *was* something else his supervisor could have done. Several things. For one, he could have cooled off a little more before initiating an adverse action. For another, he could have called for a suspension instead of a firing.

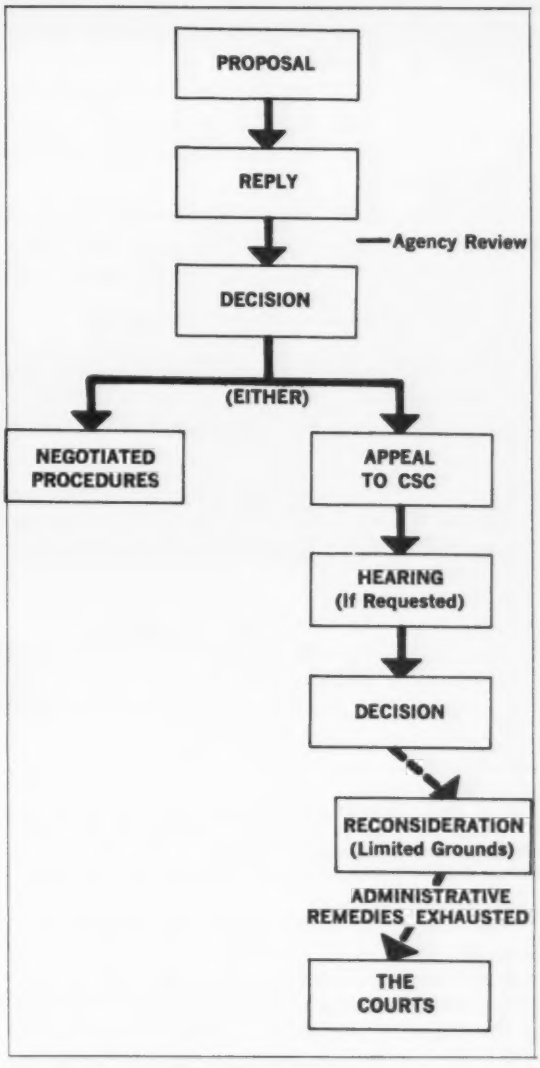
Bob admits he blew up. In fact, he later apologized for it. But, as he pointed out at the agency-level appeal, his supervisor had been "riding" him for months, calling him down for trivial errors, watching everything he did in order to, as Bob said, "get something" on him.

Both sides of the misunderstanding were presented—at length—at the agency-level appeal.

JOHN MURTHA, a Civil Service Commission staff member on special assignment with the Bureau of Policies and Standards, directed the Commission's review of the adverse action appeals system and drafted the proposed changes. TOM KELL is a staff writer in CSC's Office of Public Affairs.

Ed.'s Note: Bob Johnson is a fictitious Federal employee. He represents the statistically average appellant: a male, veteran, career employee who is 45 years old, has 15 years' service, and makes $12,775 per year. These characteristics were derived from the Civil Service Commission's survey of adverse action appeals decided in Fiscal Year 1970.





EXISTING Adverse Action Appellate System *(left).*

PROPOSED Adverse Action Appellate System *(above).*

Bob's supervisor and coworkers were called to testify and to be cross-examined on several different occasions. They were away from their jobs for several hours each time.

Hearing and processing the appeal dragged on for 170 calendar days—almost 6 months. [Agencies took an average of 134 days to decide an appeal in FY 1970. By 1972, the time required increased to 170 days.]

Bob was off the payroll all that time. And when the decision did come, it was unfavorable.

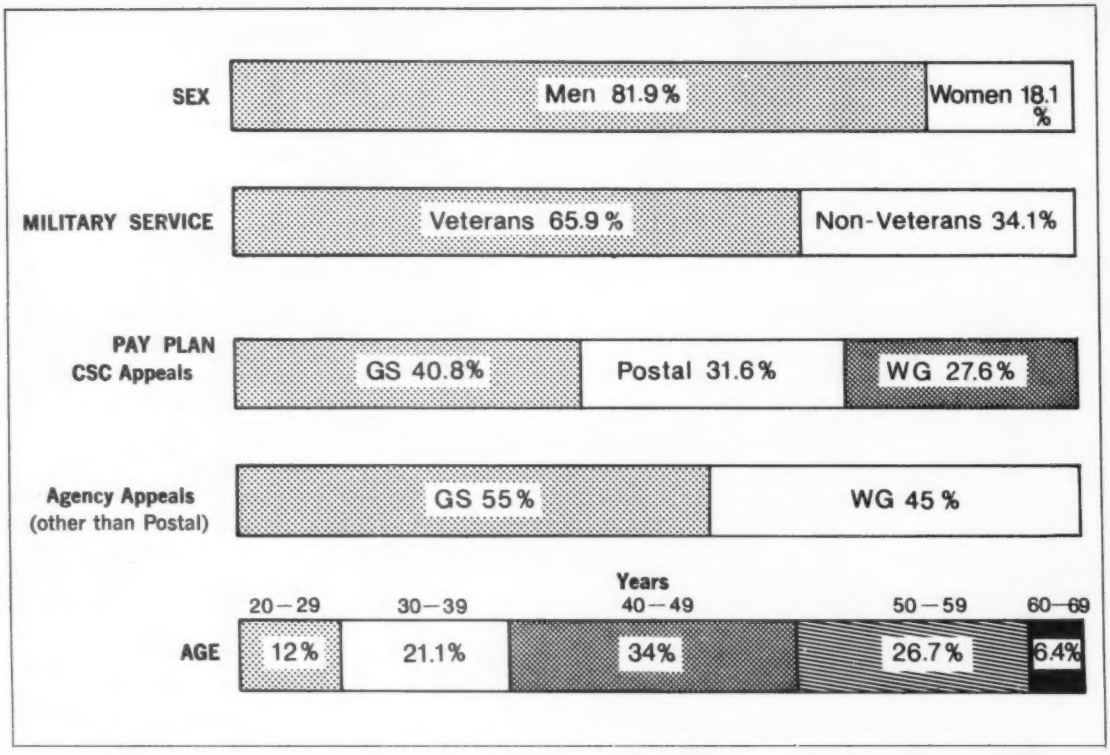
So Bob appealed to the Civil Service Commission.

An examiner attached to the Civil Service Commission regional office in Bob's area reviewed the appeal and—70 days later—decided in favor of the agency. Bob was still off the payroll.

Elapsed time: 240 days.

Bob was still sure he was right. Besides, at 45 getting another job wouldn't be easy. He thought he'd better use all possible avenues of appeal.

So he took the next, and last, step available to him in the Federal personnel system's series of procedures to protect employees from unfair treatment. He appealed to the Commission's Board of Appeals and Review in Washington, D.C.



WHO APPEALS? CSC's survey of adverse action appeals decided in FY 1970 shows that most appellants are male, veteran, career employees. Their average age is 45. These findings are based on analysis of 1,504 appeals, 605 decided by agencies and 899 decided by CSC. Of the appeals to CSC, 75 percent originated with the Defense Department and Post Office. VA, Treasury, and Transportation accounted for 14 percent. All others made up the remaining 11 percent.

That was a little over 2 months ago. Elapsed time now, 320 days.

BAR's decision is expected at any time. But no matter *what* that decision is, Bob isn't going to be 100-percent happy.

If it goes against him again, he can take his appeal to the Federal courts—increasing his time out of work, his legal expenses, and his rage at the system.

Even if his firing is overruled, he's been through an ordeal. He's been out of work 320 days. He's used up his savings. Gone deeply in debt. Would restoration of his job and back pay *really* make up for everything he's gone through?

And what about the Government? Presumably it is undamaged from an emotional standpoint, but it too has suffered. Many expensive man-hours have been lost. The work of Bob's supervisor has been interrupted. And, because it operated below strength for almost a year, Bob's office has fallen behind in its work.

Besides, Bob is a skilled specialist whose experience represents many years of training and development on the job. The cost of discharging him—or almost discharging him—can't be measured in dollars alone.

One outcome of Bob's appeal, really, is known in advance. Everybody loses.

Changing the System

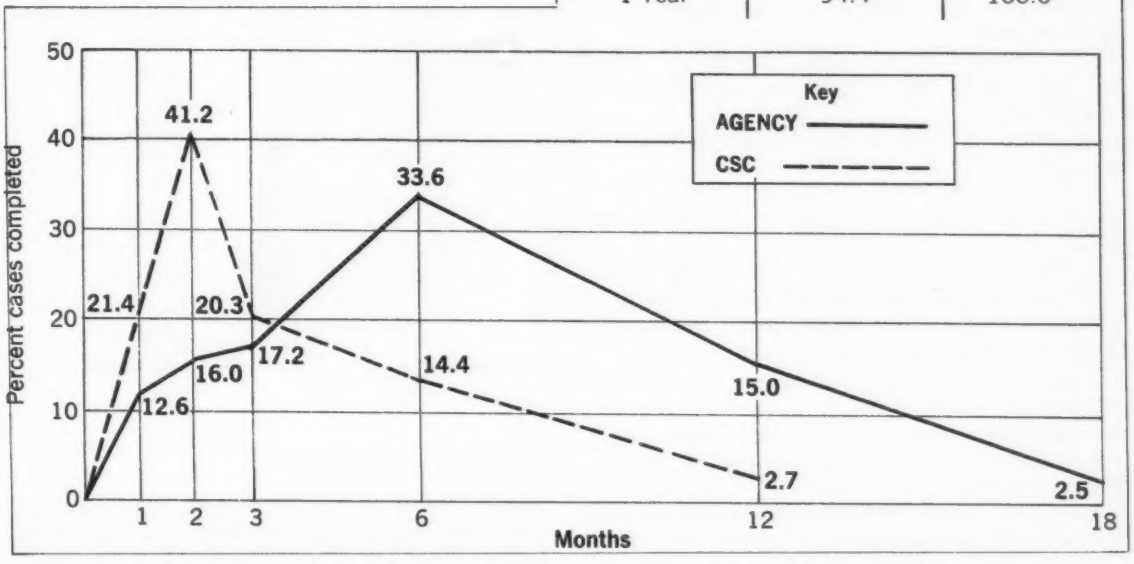
Bob's case, fictitious though it is, illustrates the essential flaws in the present Federal adverse action appeals process. These flaws, highlighted by a detailed study of the system started by the Civil Service Commission more than a year ago, are simply these:

☐ The system is too complicated. Agencies feel they are hamstrung by undue technicalities. Courts show an increasing tendency to intervene, and the public feels its interests are not well served.

☐ The process takes too long. The typical appeal must move through three separate appellate levels: one in the agency and two with CSC. Both sides can prepare and submit additional evidence at each appeal level. The final decision may be made on a record entirely different from those records on which preceding decisions, including the original adverse action decision, were made.

MAJOR BOTTLENECK in appeals processing is at the agency level. Fifteen of the cases surveyed were pending in agencies for more than 18 months; two, for more than 2 years.

CUMULATIVE RECORD (Percent of cases completed)		
At End Of	By Agencies	By CSC
1 Month	12.6	21.4
2 Months	28.6	62.6
3 Months	45.8	82.9
6 Months	79.4	97.3
1 Year	94.4	100.0



☐ Nobody likes it. Managers feel the system is restrictive, procedurally cumbersome, unduly protective. Employees feel it provides inadequate safeguards against arbitrary action, that it favors management, that it does not produce fair or just results.

Approximately 20,000 to 25,000 adverse actions take place throughout the 2.7 million-person Federal work force each year. These by no means are all removals or separations. An "adverse action," as defined by the Civil Service Commission, also can be a reduction in grade, pay, or rank; a suspension, without pay, of more than 30 days; or a furlough, without pay, of less than 30 days.

Of the 20,000 to 25,000 adverse actions, only 2,800, or 11.2 percent, are appealed. Some 800 appeals are finally decided at the agency level; 2,000 continue on to the Commission.

The number of appeals, then, is relatively small in comparison with the total number of adverse action decisions. However, actions that are appealed are not only *numerically* atypical. They are unusual in their content and complexity as well. The record of a single appeal before the Commission's Board of Appeals and Review often is 8 or 10 inches *thick*.

The need for streamlining the appeals system is questioned by no one. What has been questioned, however, is *how* to streamline the system and still preserve the employee protections it is meant to have.

This question has been answered by the Commission's most recent review of the adverse action appeals system.

After a thorough investigation of the existing system, the Commission has drawn up a list of specific changes to be made. The proposed changes, now undergoing final evaluation by agencies, unions, and other interested groups, are these.

Presidential and CSC Changes

These changes, which can be implemented either by revision of Executive order or by administrative action of the Civil Service Commission, are grouped in three categories: changes in system design, changes in system operation, and changes in system organization.

The changes, when approved and made, will have the following results:

☐ Changes in system design

Elimination of appeals at the agency level. All appeals will be made directly to the Civil Service Commission. Agencies will no longer be required to maintain adverse action appeals systems.

There will be, however, an exception. Special legislation being proposed by the Commission (see legislative changes, below), if enacted, will permit the adversely affected employee to appeal to his agency under

procedures negotiated between that agency and a union bargaining unit.

That is, where negotiated procedures exist, the employee will have the option of appealing to *either* the Civil Service Commission or the agency. Not *both*.

Simplification of the appeals structure at CSC. There will be only one level of appeal at the Civil Service Commission. Unless an appeal is reopened, the Commission's first decision on it will complete the appellate process.

Establishment of reconsideration standards. Before an appeal can be reopened by either party, it must be shown that:

—There is new and material evidence not previously available.

—The previous decision involves a misapplication of policy or an erroneous interpretation of law or regulation.

—The previous decision is of a precedential nature involving policy considerations beyond the case at hand.

The Civil Service Commissioners will retain authority to reconsider a previous decision at their discretion.

Requirement of higher level review. A review loop will be built into the system. It will not be possible for the same person to propose an adverse action, receive the employee's reply, and issue a decision on the proposal. Review and authorization of an official at a higher level of authority than the person who proposed the action will be required.

☐ Changes in system operation

Opening the hearing. A hearing will be opened to the public at the request of the appellant. All or part of a hearing may be closed by the presiding officer or at the request of the agency to protect the reputation of employees, to safeguard national security, or for other compelling reasons.

Closing the record. The evidentiary record will be closed at the end of the hearing. Unless the standards for reopening the record are met (see establishment of reconsideration standards, above), subsequent review will be on that record.

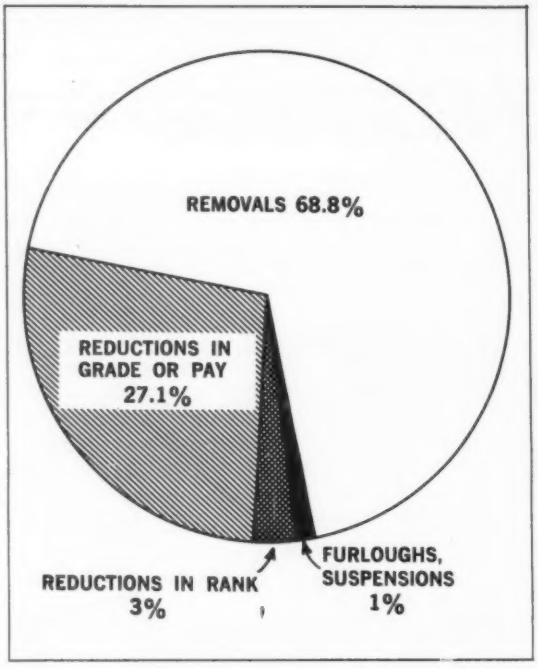
Placing the burden of proof. Commission instructions will make it clear that the burden of proof in an appeal rests with the agency, not the appellant.

Redefinition of "furlough" and "reduction in rank." Long-term furloughs, those of more than 30 days, now treated as reductions in force, will be regarded as adverse actions. As such, they will require advance notice, opportunity to reply, and rights of appeal. Short-term furloughs will be reviewable under agency grievance procedures.

Rank will be equated with grade. If there is no loss of grade or pay, there is no reduction in rank.

☐ Changes in system organization

Unification of appeals authority. Commission appellate offices, including the Appeals Examining Office in Washington, D.C., will be organizationally attached to a restructured central appeals authority in CSC headquarters.



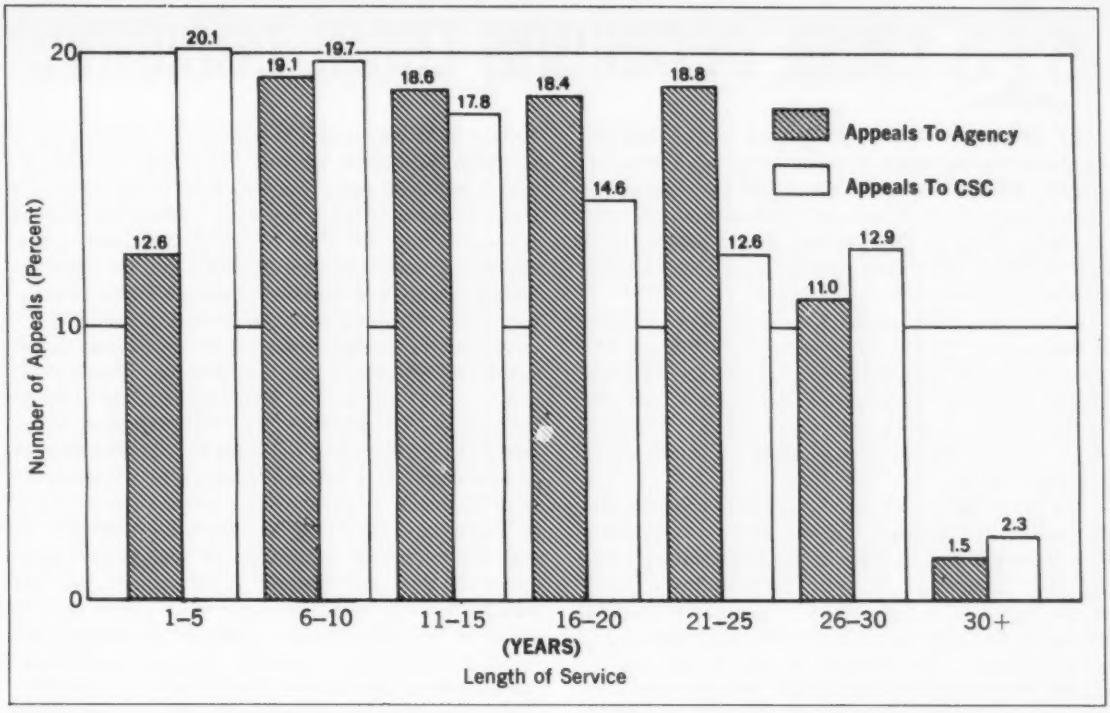
REMOVALS account for just over two-thirds of all agency-level appeals. Reductions in grade or pay account for about a quarter. Furloughs, suspensions, and reductions in rank account for the rest. Appeals to CSC follow the same general pattern with two exceptions. Reductions in rank account for 7 percent of the total; suspensions, for 2 percent.

Appellate offices at field locations no longer will report to the Commission's regional directors. The Appeals Examining Office no longer will report to the Executive Director.

Modification of penalties. Commission appellate offices will no longer be limited to a "yes" or "no" vote on appealed agency decisions. They also will have the power to modify penalties where it is shown that the penalty imposed is not in accord with agency policy or agency practice in similar situations.

Publication of decisions. Significant decisions of Commission appellate offices will be published.

Limitation of CSC comment on appeals. Members of the CSC appellate body who are responsible for deciding appeals will not be permitted to advise agencies or employees on the subject of appeals. Other Commission officials will not provide technical or other



NO DROP OFF. The percentage of appeals does not decline sharply with length of service; it remains relatively constant up to 25 years. The drop there is accounted for by the drop in total employees wih 30 or more years of service.

assistance on a case once an appeal comes to the Commission.

Legislative Changes

After review of the proposed changes by agencies, unions, and other groups, the Civil Service Commission will submit legislative proposals to Congress, which, if enacted, will result in the following changes in the Federal adverse action appeals system:

Authorization of negotiated procedures. Use of negotiated procedures as an alternative to appeal to the Civil Service Commission will be authorized. Negotiated procedures may provide for binding arbitration where mutually agreed to by both parties, and the Civil Service Commission will retain authority to review arbitration awards on limited grounds.

Clarification of "efficiency of the service." The standard for adverse actions, "the efficiency of the service," will be clarified—particularly as it applies to off-the-job matters.

Extension of appellate rights to nonveterans. Appeal rights will be extended to nonveterans by statute. Rights given to veterans by the Veterans' Preference Act now exist for nonveterans by Executive order.

Redefinition of "adverse action." The categories of adverse action will be redefined to distinguish between disciplinary actions (discharges, suspensions) and actions taken for purely technical reasons such as position reclassification.

Twentieth Review

The problem of insuring Federal employees a fair and objective analysis of adverse actions has existed at least since the formation of the Civil Service Commission 90 years ago.

The present appeals system has evolved over many years. It is based on an intricate framework of laws, Executive orders, Civil Service Commission rulings, and court decisions. It is a complex system that has been the subject of continuous reexamination and adjustment.

The most recent study of this system is the *twentieth* formal study of adverse action appeals procedures. The changes suggested are among the most extensive reforms ever proposed.

When adopted, these changes certainly will speed processing of appeals and relieve an enormous workload from Federal agencies and the Civil Service Commission.

But most important, they will insure a faster, fairer adverse action appeals system for all Federal employees. #

Of all the hot issues facing those responsible for personnel management in the Federal establishment, perhaps the one in which the courts have posed the most difficult questions for us is that of hearings; who gets them, at what stage of the appeal process must they be given, and what legal requirements surround their management.

A case that has received a great deal of publicity in this area is *Kennedy* v. *Sanchez,* 349 F.Supp. 863 (N.D. Ill. 1972), *appeal pending.* In that case, decided October 24, 1972, a 3-judge court declared the employee discharge procedures controlled by 5 U.S.C. §§7501, 7701 and their implementing regulations to be unconstitutional.

The court held that the due process requirements of the Fifth Amendment are not met by termination procedures that fail to "provide a full evidentiary hearing prior to termination, with the right to be heard by an impartial hearing officer; the right to present witnesses; the right to confront and cross-examine adverse witnesses; and the right to written decision indicating the reasons for discharge or suspension and the evidence relied upon." The court noted, however, that the required hearing may be "informal."

The case arose from the removal of an employee of OEO in Chicago for making statements to the press that were critical of the operations of his agency. Although he was granted all procedures provided by statute and regulation for the termination of a career, non-probationary employee, the court found those procedures constitutionally inadequate because of the failure to provide for a "due process" hearing prior to termination.

The court in *Kennedy* further held that 5 U.S.C. 7501 and the related regulations are unconstitutional insofar as they "chill the First Amendment rights of freedom of speech of OEO employees due to their vagueness and overbreadth." The court found that the standard of "such cause as will promote the efficiency of the service" was insufficiently specific to justify the removal of an employee for making public statements critical of his employer.

The Department of Justice has appealed the decision to the U.S. Supreme Court. We anticipate that argument on the question will be heard sometime in the fall of the year. It may be significant that the *Kennedy* court relied almost exclusively on *Fuentes* v. *Shevin,* 407 U.S. 67 (1972), a 4-3 decision of the Supreme Court. Since *Fuentes* could not command a majority of the court (5), its authority is subject to question.

At the same time as the *Kennedy* case was being decided, the Eighth Circuit was holding that a probationary State employee was entitled to a hearing prior to termination when he was *stigmatized* by that removal and there was a genuine issue as to whether his First Amendment rights had been violated. In *Wilderman* v. *Nelson,* 467 F.2d 1173 (8th Cir. 1972), plaintiff was a social worker employed by the State of Missouri who was removed during his probationary period for having an unfavorable work attitude.

The court's holding in this case was based upon two recent Supreme Court decisions, *Perry* v. *Sindermann,* 408 U.S. 593 (1972) and *Board of Regents of State Colleges* v. *Roth,* 408 U.S. 564 (1972). Those decisions held that the Fourteenth Amendment requires a State to give an employee a hearing when one of the following three elements is present: (1) tenure—either actual or constructive based upon State usage sufficient to give him a genuine expectation of continued employment; (2) a stigma attached to the termination that would effectively curtail the employee's means of livelihood by making it impossible for him to obtain other employment; or (3) a genuine allegation of the impairment of a constitutional right such as a nonfrivolous allegation that the termination was based upon exercise of his First Amendment rights.

Although nothing in the *Roth* or *Sindermann* decisions indicated at what stage of the appeal process the hearing was to be given, the court in *Wilderman* assumed without analysis or discussion that the hearing required by the Fourteenth Amendment is a pretermination one. Although this case involves a State employee, there is little question that on the basis of the reasoning in this opinion—and in the absence of a Supreme Court ruling in the interim—this court would come to an identical conclusion if presented with the case of a Federal career employee.

Two other courts, faced with the allegation that due process requires a pretermination hearing, came to somewhat different conclusions. In *Henley* v. *Shultz,* D.C.N.D. Pa., June 12, 1972, an employee removed from his job with the Treasury Department claimed that Part 752 of the Code of Federal Regulations was unconstitutional in not providing for a hearing prior to termination of employment. The court held that the Constitution does not require a hearing prior to termination in the case of the discharge of a Federal employee since, unlike some more drastic situations such as one in which a welfare recipient is being cut off without a hearing, the plaintiff is not being denied the means of livelihood.

The court stated: "The discharged employee is sufficiently protected by the appeal process provided in the regulations. We therefore conclude that the government's interest in summary adjudication outweighs

the plaintiff's interest in avoiding separation until after an adversary hearing can be held." Similar statements have been made in *Herriges* v. *United States,* 314 F.Supp. 1352 (D.Mont. 1970), and *Jaeger* v. *Stephens,* 346 F.Supp. 1217 (D.Colo. 1971).

In *Carboneau* v. *Foxgrover,* D.C.S.D. Calif., August 31, 1972, a civilian supervisory firefighter at a naval air station was removed for endangering the safety of military and civilian personnel on the base. He claimed he was denied due process in not being granted a hearing prior to his termination.

The court held that based upon the *Roth* and *Sindermann* decisions plaintiff had a "property" interest in continued employment sufficient to give him a constitutional right to a hearing; however, the nature of the hearing required depended on the nature of the case. The court further held that since an inefficient firefighter could cause great damage before being removed, the government's interest in his speedy termination outweighed the employee's need for a pretermination hearing.

Implicit in this decision, however, is the possibility that if plaintiff had not occupied such a sensitive position where speed of removal was of the essence, the court might have come to a different conclusion. It is hoped that the eventual Supreme Court decision in the *Kennedy* case will clear up what is now a very confused area of personnel law.

Two courts have recently found no constitutional requirement of a hearing upon dismissal of probationary employees. In *Christian* v. *New York State Department of Labor,* 347 F.Supp. 1158 (S.D.N.Y. 1972), plaintiffs were former employees of the Federal Government dismissed during their probationary periods for cause. 5 U.S.C. 8506 provides for the payment by the State of New York of unemployment compensation to former Federal employees under certain conditions. Under that statute, the State must accept as binding the written statement of the Federal employer as to the reasons for the termination. Since plaintiffs were dismissed for cause, they were not entitled to and received no compensation.

The plaintiffs claimed that unless 5 U.S.C. 8506 is interpreted to extend a hearing to all claimants, the statutory scheme is unconstitutional in denying them unemployment compensation without a hearing. Although the judges differed in their opinions on the necessity for providing a hearing prior to the denial of unemployment compensation, they were unanimous in finding no constitutional infirmity in congressional action that deliberately made a distinction between career and probationary employees in providing a hearing only for the former.

In *Sayah* v. *United States of America,* D.C.C.D. Calif., January 29, 1973, the court held that "it is clearly stated in the Regulation that a probationary employee is not promised a lasting job after one year, or even that he is guaranteed a full year's stay." Thus the court found that a Federal probationer does not have an expectation of continued employment sufficient to give him a property interest requiring a hearing upon dismissal under the rationale of the *Roth* and *Sindermann* decisions. The probationer was not deprived of any Fifth Amendment right by being terminated without a hearing. Neither the *Christian* nor *Sayah* case raised questions of stigmatization or removal on grounds violating First Amendment rights.

Two other aspects of the hearing question are presented in *Fitzgerald* v. *Hampton,* 467 F.2d 755 (D.C. Cir. 1972). In that case an employee who was separated during a reduction in force alleged that he was actually being removed in retaliation for his giving testimony before a congressional committee. At his request, the Civil Service Commission granted him a hearing on his separation, but refused, pursuant to regulation, to have the hearing open to the press and public.

The court held that where a preference eligible employee makes a nonfrivolous claim that the action taken against him was in actuality an adverse action, he has a statutory right to a hearing. In this instance, the granting of a hearing is no longer discretionary with the Commission, but becomes a due process right. The court also concluded that in the circumstances of the case, due process required that the hearing be open to the press and public.

Similarly in *John B. George* v. *Morton,* Civ. Action No. 1902–72 (D.D.C. Jan. 26, 1973), a preference eligible employee of the Department of the Interior whose position was abolished claimed that the action was in actuality aimed at his discharge under the guise of a reduction in force. The court, finding that plaintiff had made a nonfrivolous allegation of an illegal discharge, ordered the Civil Service Commission to grant him a hearing under Part 722 of the regulations.

It is clear from the above cases that the courts regard an evidentiary hearing conducted under proper procedures to be basic to the due process rights of an employee removed from his job. Since there is far from unanimity among the courts as to when such a hearing is required and what the proper procedures are, we can only hope that future Supreme Court decisions will clarify what is currently a cloudy area of the law.

—*Sandra Shapiro*

THE PUBLIC SERVICE... 90 YEARS LATER

by ELMER B. STAATS, Comptroller General of the United States

PRESIDENT KENNEDY frequently told the story of a French marshal who asked his gardener one day to plant a tree. The gardener protested, "It will take a hundred years to grow." "In that case, we have no time to lose," the marshal responded, "plant it this afternoon."

In 10 years, the Pendleton Act of 1883, which established the basic charter for the Federal merit system and Federal career service, will be 100 years old. It is well to remind ourselves on this 90th birthday of the Act that it took nearly 100 years to bring into being the legislation which has meant so much to the American people.

Although we have much to be proud of in the growth and strengthening of the Federal merit system tree, we cannot be confident that it will continue to thrive without continued attention and support. Without these the system will fail to achieve the objectives of those who fought so long and so hard for the basic reforms. It was their hope that the merit system would serve all of the Nation better and that the interests of *all* would be served best when *all* had equal opportunity to compete; when advancement was based on recognized achievement; and when government was able to obtain the services of adequate, skilled, and loyal employees required for the Nation's security and prosperity.

Today's Government

As all can see, we have traveled a long way from the days of Andrew Jackson who held the view that public offices were "plain and simple" and who liked to campaign on the slogan, "To the victor belong the spoils."

MR. STAATS spoke at a ceremony commemorating the 90th Anniversary of the Civil Service Act on January 16, 1973, in the State Department Auditorium.

Today we cannot have a strong economy and a viable society without representative, responsible, effective government. We can have this kind of government only if it is made up of able people dedicated to advancing the basic principles on which our institutions are established.

The late Clarence Randall (formerly head of the Inland Steel Corporation), who did so much to help Presidents Eisenhower and Kennedy to bring about improved pay for Federal employees, summed up the realistic view of modern government, in contrast to Jackson's day, in these words:

"The ultimate effectiveness of our governmental process, whether in Washington, or in the State capitals, or in the city halls, rests squarely on the quality of the career officers, the permanent Civil Service."

In a similar vein, the late Neil McElroy, Secretary of Defense in the Eisenhower Administration, stated:

"We can have strong government only as it is made up of able people, and we think not alone of the top few, or of those in major elective office. . . . The need for competence applies across the entire spectrum of government operations. It applies equally to men and women in elective status, in career administrative positions, and appointed positions."

Government today carries the primary responsibility for advancing the Nation's efforts to improve science and technology; it is deeply involved in efforts to eliminate poverty; to provide manpower training to the disadvantaged; and to improve education at every age level. We have a national commitment to explore space and the depths of the oceans. We are trying to find ways to make our cities more livable and our transportation systems workable. We have embarked on programs to deal with our critical shortages of energy and to improve our environment—both required for the improvement of our standard of living.

In these and in a host of other areas, all of us in

government have an opportunity to serve the Nation. At the end of the day, the end of the week, the end of the year, or perhaps at the end of a career, we should be able to look back and say I am proud to have been a public servant, to have dealt with the problems of our time, and to have had a part, however small, in contributing to their solution.

Myths Die Hard

Despite its long history and the many tributes which have been paid to our Federal career service, it is still a fragile thing. It has few constituents. All too frequently the accolades go to those who choose to denounce the so-called bureaucrats and those who capitalize on what, unfortunately, is still a widely held view—that the government is made up of incompetents or worse.

Mistakes, most would agree, are made in government as well as outside government. Most would agree also that not all individuals are of equal competence or motivation, either inside or outside government. But issuing blanket condemnations and blanket criticisms can only damage, rather than improve, the quality of government—Federal, State, or local.

These detractors might point out that in the Federal Government productivity per man-year increased at an average annual rate of 1.9 percent between 1967 and 1971 instead of a zero rate which many had alleged.

They might point out that during this past year over 200,000, or approximately one out of 12 Federal employees at all levels, performed in such a superior manner that they merited monetary or other recognition.

This recognition was not limited to those at the top. For example:

☐ A clerk-typist, GS-3, with the Defense Supply Agency voluntarily developed and presented a Drug Abuse Prevention and Control Program. He devoted his own time and made public his personal experience with drug addiction, which benefited not only employees of his agency but members of his community as well.

☐ A nurse, GS-9, with NASA's Manned Spacecraft Center in Houston assisted in developing the necessary checks and tests for astronauts which were required to obtain man's reaction to outer space. This earned her not only numerous NASA honors but led to her being named one of the outstanding women in America in 1971.

☐ A Job Corps teacher, GS-9, was recognized for outstanding work in teaching and motivating men who could neither read nor write. Her efforts placed a high percentage of these men on the road to self-sufficient jobs.

These critics might point also to awards for outstanding service made annually by the National Civil Service League, an organization which had so much to do with the original enactment of the Pendleton Act. Here are some examples:

☐ An astronomer was given an award for doing much of the basic research essential to our national space program, for directing the optical tracking system for the first artificial space satellite, and for directing the production of an astronomical telescope which extended our knowledge of the universe.

☐ A director of personnel of the Veterans Administration, one of the outstanding women in the Federal service, was recognized for her exceptional work in equal employment for minorities, for developing work opportunities for veterans and handicapped, and for her leadership in one of the largest organizations of the Government.

☐ One of the first black Marines who served as Chief of the Conciliation Division of the Equal Employment Opportunity Commission was cited for his outstanding work with the Nation's largest industrial organizations in bringing about increased recruitment, selection, and promotion for minorities.

What Is Right About the Career Service

Recognitions such as these are important. They make the average citizen aware that there are many able public servants who work long hours, frequently without recognition, to solve the most complex problems of this period in our history.

But more needs to be done. We need more Clarence Randalls and Neil McElroys who are willing to say what is right about the career service—not just what is wrong. How else can we persuade the best products of our colleges and universities to seek Government employment? How else can we motivate our best people to stay in the Government service? How else can we create the incentives to increase productivity? How else can we find solutions to the problems which Government is called upon to resolve?

Many ingredients are required for a vital, productive, responsive career service. No one has ever fully identified all of these ingredients or their variations—why one unit has a higher productivity than another doing exactly the same work, why employee morale varies so much from agency to agency, why one individual works harder than another, or why turnover is so much higher in one bureau than in another. These are important questions and we need to know a lot more than we do today before we can obtain satisfactory answers.

—*Leadership* is obviously vital. This includes the establishment of realistic but high goals understood by all.

—*Recognition* is important when these goals are made or exceeded.

—*A pay system* is important to provide assurance of equitable compensation.

—*Job enrichment* is important to increase job satis-

faction and challenge.

—*Equal opportunity* is important, not only in the selection of employees but in their advancement.

—*Reasonable opportunity* for self-improvement is important through rotation, training, and education.

This is perhaps but a beginning of a long list. I believe most would agree that these are among the most important areas of concern to career employees. These areas are also of special concern to the Civil Service Commission, the President, the Congress, and employee organizations.

But perhaps most important of all in creating job satisfaction and high output is the quality of supervision at all levels. The supervisor holds so many of the keys to performance: productive working relationships; effective communication; resolving day-to-day problems; and last but not least, fairness.

Whether the supervisor does these things well or poorly can make a critical difference in whether programs succeed or fail. This is undoubtedly why the Civil Service Commission has, correctly, devoted so much attention to how these men and women are selected, how they are trained, and how well they perform.

The Policy Official and the Career Officer

Leadership has yet another dimension—a third dimension—and that is the developing of a viable relationship between the policy official and the career officer. This relationship has been the subject of much public and private expression by at least the past five Presidents, to my personal knowledge. Is or is not the career service supporting the policies set forth by the top leadership? We hear statements to the effect that the career service tries to be accountable only to itself and takes the attitude that, if it waits long enough, there will be a new election, a new Cabinet officer, and a new agency head who may be more agreeable to its viewpoint.

That these statements are made, I have no doubt. What I doubt is that these views are held widely either by policy officials or by individuals in the career service. The real problem is one of communication and an adequate recognition that the Federal Government is today extraordinarily complex. Both the career official and the policy official should have one thing in common—a desire to make that Government work, and work well.

To make the Federal Government work as it should, the career service must be responsive to policy changes. It has another obligation—to make certain that top leadership understands when past experience might make a modification in plans, or proposed programs, desirable to achieve policy objectives. This duty would include, of course, suggesting alternatives which might achieve those policy objectives better than original proposals.

My own experience over more than 30 years in both career and policy positions is that there is no substitute for effective communication of purpose and objectives if a reciprocal relationship is to be effective—communication and understanding, back and forth. That means communication upward as well as communication downward. If we try to say that one part of the work belongs to the political people, the administration, and that another part belongs to the career service, we will quickly be in trouble. The line between policy and administration is never that clear cut.

This does not mean that the career service has to engage in partisan politics—quite the contrary. A former Budget Director, under whom I served as a career staff member, used to say to us that we should be "politically aware," not "politically active." Political awareness has to be a part of the required knowledge of the career servant, just as the policy official has to understand the great value of professional judgments and experience of the career service in administering programs.

This is the essence of participative management. This is its basic principle in the Federal Government. It has worked well in every organization where it has been seriously tried, public or private. This is the way to avoid mutual suspicions perhaps harmful to all. It is the kind of management participation which should be freely sought by the policy official and freely offered by the career officer.

It has been a habit for decades for some civil servants to label a policy official as "politician"—in a very special tone of voice; and for some political appointees to refer to one in the career service as a "bureaucrat"—also in a very special tone of voice. A friend of mine once observed that it was a curious and interesting habit among Americans that they sometimes used bad words for good things. That observation certainly applies in this case for I believe both recognize more

and more that, without one another, neither can be successful.

Taste of Mustard, Whiff of Cordite

I am not arguing that the relationship between the political level and the career service should be—or ever could be—all sweetness and light. That is not the nature of the matter. It isn't reality; it isn't even healthy. I hope I never see the day when Government is so tranquilized, so sedated, that it is out on its feet. I will take a good argument anytime—the taste of mustard, the whiff of cordite—because the final answer will come out better.

There is going to be tension in the relationship between political appointees and career people. There ought to be. The most we should ask is that it be a *workable* relationship, not a comfortable one, not even an equal one. This two-part relationship is here to stay, and the problems of making it work aren't very different from one administration to another.

If making it work seems harder than it used to be, there are several reasons. For the Government today, the stakes are higher, the scale is magnified, and the whole process of governing is more exposed and accountable. The buffer zone between politics and public service is extremely difficult to determine. Remember that much has happened since the Pendleton Act. The Government has come a long way from providing simple conveniences and services that were neutral.

Today, there is no area of American life and action where the Government's influence is not felt. It is this that has changed the role of the public service. What Government does, how it does it, and to whom are matters of no small importance. They are political questions. So the terms on which the public service operates today are not the same as they were 90 years ago.

In observing this 90th birthday of the Civil Service Act, let us make certain that we are not oriented more to the past than to the future. Sometimes we in government act as if it is the *past* which can be changed rather than the *future*. To be sure, the past must be understood if we are to recognize the forces of change.

What I am attempting to say—and feel it appropriate to say it on this occasion—is that as Federal Government servants we run the risk of being tied too much to the past. We tend to do things in the traditional ways. We fail to question why things cannot be done better. We may fail to realize that situations have changed and that new solutions or new ideas are called for. But, above all, the challenge is to do our job better, to find ways of improving our own capabilities.

Because We Were There

It is not enough to be judged good at doing our daily work—to have a satisfactory performance rating. We want to be able to look back 10 years from today—your 100th anniversary—and know that the public service is better because *we* were there. This will be done only in proportion to our efforts to broaden our understanding of the parts which we play, to improve our skills, and to know how our efforts relate to the changing role of the agencies in which we work.

Innovation, change, education—these are the familiar words describing our reaction to today's shifting scenes. We cannot avoid change and we would not want to. But just as nuclear energy must be controlled and channeled to be useful, so must change be guided through social institutions and organizations to meet the goals and objectives which history and past experience dictate as meeting the moral and ethical needs of society.

Government—which you and I represent—is probably the most important of these institutions. We have people with that kind of understanding in this room. Government in the coming years will need as many people as possible with that kind of vision in solving the complicated problems that arise in our mass society—arresting the rising costs of education, public health, and welfare; rebuilding the cities; reducing poverty to its lowest level; and developing a higher sense of unity in our society.

This is the challenge of public service. In one way or another it has always been so and, as I said at the start, I suppose always will. Public service is more than an occupational category. It is the discovery, as Harold Laski put it long ago, that men serve themselves only as they serve others.

Could any of us give a better reason for choosing a career in the civil service of the United States?

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College Recruiting in the Seventies

The Commission's Office of Recruitment and College Relations monitors the college placement scene with an eye to the developments affecting Federal staffing. Here the Office's Director, Allan W. Howerton, answers questions on mutual Commission and agency responsibilities and other aspects of college recruitment in 1973.

Q: How would you compare college recruiting today with that of the 1950's and 60's?

A: Today there is a more complex climate for Government recruiting. Perhaps that sounds strange because the usual assumption is that there are no problems now—we have surplus applications and so on. But there were always two purposes for college relations programs which, although accomplished by the same Act, are really distinctly different: First, recruitment, or filling vacancies with the best qualified talent; and second, adequate public notice to give people a chance to compete fairly.

There is increasing interest in the schools in obtaining better career planning advice and more realistic placement services for their students. So we as employers have to become more professional. Another difference is that agency representatives are less involved than they were a few years ago.

Q: Why are the agencies less active in recruitment now?

A: More agency needs are being met through regular referral from eligibility lists, so agency recruiters are not as involved in direct recruiting on college campuses or interviewing candidates for specific vacancies. This shifts more of the responsibility for college relations to the Commission. Considering the number of schools and their increasing interest in career information, this is a problem for our field offices because our resources are obviously limited.

But most agencies help to the extent that they can. Their participation is essential to a sound employment information program. It is also a good investment by agencies in their own campus image. We hope that more agency field establishments will work with our area offices on interagency approaches.

Q: How are interagency activities organized and what is done on the campuses?

A: There are a variety of organizational patterns: Federal College Associations, Government Recruiting Councils, College/Public Agency Councils, and individual school liaison committees. Membership consists of recruiting and other personnel people from local installations. Many groups have State and local government participants and college placement and faculty members.

Activities range from operating speakers' bureaus to setting up career information seminars and making arrangements for interagency recruitment and job information programs across a campus or a whole group of colleges. As individual agency interview programs are expensive, these joint efforts offer sound alternatives for many agencies.

Q: Do you feel agencies should discontinue separate programs and rely on interagency efforts to meet their needs?

A: I don't think a simple "yes" or "no" is a good answer. There are obvious advantages to interagency activities. For example, an interagency career seminar helps to give students a broader view of Government as an employer than they would otherwise gain. There is also the potential for economy. But there are limits to what can be done.

The best industry programs rely heavily on continuity of relationships between recruiters and the schools, which can only be built over time. Good relationships are best fostered by agency identification as a participant, alongside and in competition with corporate recruiters. Recognizing this, some agencies have continued their campus visit schedules, although on a reduced scale, but many of them also participate in the joint programs that our regional recruitment and college relations officers and area managers carry out. The two approaches are not incompatible because they serve different purposes.

As to individual on-campus programs, I think each agency must decide in terms of the costs and benefits for them. There are also differences among schools and in various parts of the country. We need to tailor our programs to these differences.

Q: What about coordination?

A: Well, it's a word that is not very precise and frequently misunderstood. I would like a better name for approaches to more effective sharing of Commission and agency responsibilities. Some people see coordination as the Commission taking over college visit schedules, telling recruitment managers when they can go to certain schools, and so on. That's cumbersome and negative, in my view, and I'm not interested in it from that standpoint.

In the sense that coordination means better management, I think it is important. There is a lot of room for improvements in the way we plan, implement, and evaluate our programs and perhaps some additional Commission guidelines in this area might be useful. The Commission also needs more information about agency programs and I hope we can find simple ways of getting that without having the report job become a burden.

Q: What about merit principles? Is college recruitment at a time of applicant surpluses compatible with open competition?

A: We have to be concerned about the merit aspects of college recruitment and selection, of course, not only among student competitors but between students and other applicants of equal or superior qualifications. The purpose of the examining system is to assure selection through open competition based on merit, and we as recruiters must respect its procedures. We must also try to assure that students, college placement people, and faculty advisors understand the competitive aspects of civil service staffing. So we have to keep the merit principles constantly in mind.

Agency recruiters are not unsupportive of merit principles because, properly applied, these principles assure the best quality staffing. But the Commission has the ultimate responsibility and we have to exercise it. We cannot always grant the kinds of hiring flexibilities that some recruiters and college placement people would like.

It's important to recognize that merit principles are more likely to be achieved in dynamic situations. Open competition, for example, depends on how well the public is informed about job opportunities. Dynamic college recruiting fosters this knowledge, with the effects extending well beyond the campus and making a real contribution to merit objectives.

Q: What else is the Commission doing to inform college students and others about job opportunities?

A: We are trying to provide more realistic job information on a more individual basis. The new toll-free telephone service and our network of nearly 100 Federal job information centers expand our capability substantially.

We are also making more use of hiring needs estimates to improve the reliability of our information. Students need this because they are in the throes of having to make career decisions within a limited period of time. The same information is available to the general public, too.

We are also experimenting with other new techniques. One area office, for example, holds group employment counseling sessions with students at college placement offices by amplified telephone techniques. A variety of other information services is available to the colleges through our area offices.

Q: How do you see the long-range future?

A: College recruiting methods are constantly changing. Eventually the on-campus interview technique that is now the basis of most industrial recruiting will probably give way to other methods. Some experimentation is going on with video tape interviews, which employers can use as the starting point for placement consideration. Much progress has already been made in the use of computers to match résumés and jobs.

College placement is an exciting field and a vital one for the future competence of the career civil service.

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CSC CHECKLIST CSC CHECKLIST

A selection of recent CSC issuances that may be of interest to agency management:

☐ FPM Letter 410–11, Training Services to International Organizations:

—Transmits guidelines for providing training services to those international organizations in which the United States is a participant or with which it is actively cooperating.

☐ FPM Letter 571–62, Manpower Shortage Finding for Positions of Printing Management Specialist (for Applicants With a Baccalaureate Degree With a Major in Printing Management), Nationwide:

—Adds printing management specialist to the list of occupations for which travel and transportation expenses are paid to the first duty post.

☐ FPM Letter 713–17, Revisions in Equal Employment Opportunity Regulations (Part 713):

—Implements the Equal Employment Opportunity Act of 1972 with regulatory changes designed to improve and strengthen the processing of discrimination complaints.

☐ FPM Letter 713–18, Equal Employment Opportunity—Implementing the Spanish-Speaking Program:

—Lists action steps for agencies to consider in carrying out the President's 16-point program for providing equal employment opportunities to Spanish-surnamed Americans.

☐ FPM Letter 831–30, Amendment of the Civil Service Retirement Law:

—Permits firefighters to retire at age 50 after 20 years of Federal service if they meet certain conditions specified by law.

—Mary Helen Emmons

PRESIDENT NIXON congratulates the 1973 Award winners in the Oval Room of the White House. With Mr. Nix-

The best in '73

SIX WINNING WOMEN

by MARIE ROBEY
Office of Public Affairs
U.S. Civil Service Commission

WHEN THE FEDERAL WOMAN'S AWARD was started in 1961, Skeptics raised doubts that enough professional career women could be found to qualify. Thirteen years of awards have more than dispelled these fears. This year 157 women—the highest number yet—were nominated by their departments and agencies to receive the award. The qualifications, achievements, and caliber of the women nominated remain as top-notch as ever.

Mrs. Patricia Reilly Hitt, Chairman of the Board of Trustees of the Federal Woman's Award, presided at the awards banquet on March 6 at the Shoreham Hotel in Washington. In addressing families, friends, and other guests of the six winners, Mrs. Hitt acknowledged charges that "we are discriminating against men" in having an award program devoted solely to women.

She pointed out, though, that even today the other awards for which all civil servants are eligible are not granted to many women. "It is still true that few women are employed in the high ranks that garner the other awards." Therefore, she concluded, there continues to be a demonstrated need for women to receive the recognition afforded by a special award program.

President Nixon met with the winners on March 7, and chose the occasion to announce that he would like to quadruple the number of women in high Government posts in the next 4 years, as he did in the last four.

Woodward and Lothrop, Inc., sponsors the Federal Woman's Award program as a public service.

on, from left to right, are Mrs. Bernstein, Dr. Chang, Miss Hart, Dr. Jacox, Dr. Karle, and Mrs. Townsend.

BERNICE LOTWIN BERNSTEIN is an attorney and executive, and is presently the only woman serving as regional director for any major Federal department or agency. As Director of Region II of the Department of Health, Education, and Welfare, she administers a highly diversified area consisting of almost 30 million people. Except for a 5-year period, Mrs. Bernstein has been associated with HEW and its predecessor agencies since 1935, and has served as regional director since 1966. She was cited for "achieving unparalleled regionwide cooperation among Federal and local government agencies and volunteer organizations in dealing with complex problems which otherwise could have escalated into crises."

"We are being honored tonight," Mrs. Bernstein noted, "because we have cherished the opportunities that the Federal career service has provided, opportunities for achievement and fulfillment, opportunities to serve all the people of these United States, opportunities to work with and be stimulated by many outstandingly able and rare quality people who are striving to improve the effectiveness and efficiency of our Federal Government's administration."

MARGUERITE S. CHANG, Ph.D., is a research chemist and inventor with the Department of the Navy. Dr. Chang has been credited with significantly advancing the state-of-the-art in propellant chemistry and technology, and her recent research is concerned with

MRS. PATRICIA REILLY HITT, left, with Mr. and Mrs. Bernstein.

DR. MARILYN JACOX listens as her citation is read by Richard Roberts, Director, National Bureau of Standards.

JANET HART gives her acceptance speech while J. Dewey Daane, Member of the Board of Governors of the Federal Reserve System, looks on.

developing new missile and rocket propellants. Dr. Chang was born in Nanking, China, and came to the United States in 1946. She began her Government career in 1959 when she started working for the Naval Ordnance Station as a research chemist, and has been employed with the Navy ever since. She is recognized as an expert in her field of research, and is also a prolific inventor. As a result of her outstanding work, at least 12 different projects have been undertaken by the Naval Ordnance Station. She was cited for her "pioneering work and significant contributions to science and technology during her service with the U.S. Government.

In accepting her award she expressed the hope that her work will "continue to be a credit to the United States—and to all peoples everywhere."

JANET HART is an attorney with the Board of Governors of the Federal Reserve System. Since joining the Board in 1958 she has become a recognized expert

DR. MARGUERITE CHANG poses with her husband, George Chang.

in securities credit regulation. As Assistant Director of the Division of Supervision and Regulation, she assists the Board in formulating policy, in informing the Congress on needed pertinent legislation, and in drafting and implementing regulations. Her work has included directing major revisions of regulations governing securities credit by brokers, and she has led the Board in extending protection of the securities credit laws. She was cited for her "unsurpassed expertise in a particularly difficult area of regulatory law of great importance to the public."

Miss Hart expressed hope that "this award will encourage more and more women, as they discover what it is they wish to do with their lives, to seek out these opportunities [in the Federal Government] and make the most of them."

MARILYN E. JACOX, Ph.D., is one of the world's leading researchers in intramolecular phenomena. She joined the National Bureau of Standards in 1962 as a research chemist, and her work since that time has established NBS as the world's leading laboratory in this scientific area. Her research extends from the examination of the performance of nature's most basic denominator to the study of planetary atmospheres necessary in the conduct of U.S. space probes. She has been the author or co-author of numerous technical

DR. ISABELLA KARLE with her husband, Dr. Jerome Karle, and daughters Madeleine and Jean.

publications, all of which have made a decided impact and contribution to the science of free radicals and molecular ions. Dr. Jacox was cited for her "invaluable research and internationally recognized discoveries in the field of physical chemistry."

She described her work as "the greatest pleasure of all—meeting the challenge imposed by Mother Nature and adding tiny pieces to her gigantic jigsaw puzzle which portrays the blueprint of our universe."

ISABELLA L. KARLE, Ph.D., is a research physicist who is a pioneer in the field of crystallography. Employed since 1946 with the Naval Research Laboratory, she is responsible for initiating and executing new research into the basic structure of matter. Her work in discovering the Symbolic Addition Procedure has enhanced research programs in the entire field of crystal structure and has been applied worldwide in investigations of the structure of new and exotic drugs, antiradiation drugs, and a blood-pressure depressant. Her citation stated that "her widely acknowledged accomplishments will continue to have a far-reaching influence on scientific research in the future."

She paid tribute to the Navy, which "offered me employment and supported me in my professional development at a time . . . when the employment of women in the sciences was not at all popular."

MARJORIE TOWNSEND with her escort, James Fletcher, NASA Administrator.

MRS. HITT presents a plaque to the recipients of the Federal Woman's Award while Julia Lee, Vice President of Woodward and Lothrop, looks on. From left to right —Mrs. Lee, Mrs. Hitt, and Award winners Mrs. Bernstein, Dr. Chang, Miss Hart, Dr. Jacox, Dr. Karle, and Mrs. Townsend.

MARJORIE RHODES TOWNSEND is an electronics engineer and the only woman to manage a United States satellite program. She joined the Federal Government in 1948 as a physical science aide with the National Bureau of Standards, worked later at the Naval Research Laboratory, and has been employed at the Goddard Space Flight Center, National Aeronautics and Space Center, since 1959. In 1966 she was appointed Project Manager of the Small Astronomy Satellite. This project has provided the first complete picture of the sky in X-rays, resulting in a major advance in astronomy. Mrs. Townsend was cited for the "success of the Small Astronomy Satellite project . . . due primarily to her dynamic approach to planning and managing, and her technical capabilities."

Mrs. Townsend declared that "working for Uncle Sam has given me an interesting—no, a fascinating —life on the forefront of research from the bottoms of the oceans to the reaches of outer space." #

Adverse Actions

Right to review material

☐ The Board of Appeals and Review reversed a decision of a Commission regional office and agency involved in this appeal, and directed retroactive restoration of the appellant. This action was taken because, in its notice of proposed adverse action, the agency failed to advise the employee of his right to review the evidence. The Board pointed out that the employee is entitled to review the material relied upon to support the action, and has a right to a reasonable amount of official time to review the evidence and other materials, and to prepare his answer.

☐ In another appeal involving the right to review material, the appellant had been changed to a lower grade based on charges of mismanagement. The appellant was not advised, in the advance notice, of his right to review the material upon which the action was based, as required by Section 752.202(a) of the Civil Service Regulations. This procedural defect was not deemed fatal since the evidence was furnished to the appellant's attorney at a pre-hearing conference and adequate time was extended to the appellant and his representative to review the material, as evidenced by the fact that the hearing was postponed for several weeks. The Board also noted that the hearing was held prior to the issuance of the agency's adverse decision and the employee was in a pay status.

☐ The Board's decision on yet another appeal reversed the first level, holding that a statement in the advance notice that "a specified individual of the Personnel Office will make such pertinent records available as you may require for the preparation of your reply" did not satisfy the appellant's rights. He had a right to be advised in the advance notice of his right to review, prior to his reply, the documentary evidence on which the agency relied in proposing his separation.

Concurrent adverse actions

Once an agency has notified an employee of a decision to remove him, there is no valid reason to process a second removal action against the employee and still maintain that the first removal decision retains its full force and effect. The agency must either cancel the earlier action and start again, or amend the earlier action. When the first level reversed the first removal action, it was improper for the agency to assume that it could simply continue processing the second removal action it had underway. The Board reversed the first level, holding that any adverse action the agency wished to take against the appellant after complying with the first-level decision should have been processed anew.

Equal Employment Opportunity

Timeliness—failure to prosecute

The designated hearing officer in an EEO appeal case remanded the case to the agency involved for clarification of the issues with regard to their timeliness. When the complainant did not reply to the request for information, the agency closed the case for failure to prosecute. On appeal the Board reversed the agency decision on the ground that the agency resolved the issue of timeliness when it accepted and investigated the complaint. Therefore, there was no basis for requiring the appellant to supply further information as a condition for holding a hearing.

Failure of promotion action

In this case, the appellant (Caucasian) and 4 Negroes were considered for promotion to the position of General Foreman 1, Laborer (Heavy). A 3-member panel recommended the appellant for promotion on the basis that he was the best qualified, an action approved by the Group Superintendent. However, the selecting official disapproved this recommendation, stating that ". . . it is deemed in the best interest of all concerned, including the racial factors of the component served, that a Negro be selected."

The appellant filed a complaint of racial discrimination, and the appeals examiner found that the merit promotion program and the EEO affirmative action plan were compatible and that the appellant had not been discriminated against because of race. The agency concurred with the appeals examiner.

The Board reversed the decision and recommended the appellant's immediate promotion on the ground that the selecting official admitted the selection was based on the Negro supervisory ratio in the shop. It was the Board's opinion that it was clear from the record that appellant was denied the full benefit of the merit system, which requires that selections be made on the basis of qualifications and merit and not on the basis of race, color, religion, sex, or national origin.

Outside purview of BAR

The complainant, a woman, filed a complaint of discrimination based on sex and marital status, alleging that she had been unfairly denied eligibility for a transportation agreement and living quarters allowance.

In affirming the agency's decision, the Board found

that inasmuch as competent authority in the agency had determined that officials committed no error in denying the benefits that complainant sought, the complaint of sex discrimination in connection with this matter did not fall within the purview of the discrimination complaint regulations (Chapter 713, FPM, Appendix B-3(b)).

Reduction in Force

Assignment rights—competitive level

The Board found in favor of the appellant in an appeal involving competitive level and assignment rights. The agency had failed, despite repeated requests, to properly classify appellant's position for 4 years prior to a RIF, and had not come forward with a reconstructed, proper position description during the appeal. Thus, the Board found that appellant's unrefuted claim that he was performing the duties of a grade GS–14 Aerospace Engineer during those 4 years should be accepted. Further, the Board found that appellant should have been offered such a position, and that his placement in this position would not have resulted in undue interruption of work.

Retreat rights

The appellant in this next case had been promoted from a GS–5 secretarial position to one at GS–6, and then on to Inventory Management Specialist at the GS–7 level and finally to GS–9. Through reduction in force she was downgraded from grade 9 to a grade 5 secretarial job.

The agency and first-level office determined that there would be undue interruption of work, and that she was not qualified for a grade 6 secretarial job because of the "impact of the man on the job" aspects in the classification of secretarial positions. The Board reversed the first level after determining that each of the secretarial positions at the GS–6 level was not unique and, therefore, the appellant was fully qualified for a position at the GS–6 level (i.e., she had performed satisfactorily at the GS–5 level for more than 1 year) and was entitled to retreat to that position.

Effect of perfomance ratings

In this appeal, the Board affirmed the first-level determination that the appellant's official performance rating of record at the time of the reduction in force was "outstanding," and that appellant was entitled to additional credit for retention purposes. The Board held that the agency's interpretation that an employee's official performance rating automatically expires on the day prior to the rating's anniversary date was contrary to the purpose and intent of the regulations. It further held that such practice amounted to an unduly restrictive application of the pertinent regulations, and that it improperly limited the rights of employees.

Transfer of function

Here, the agency appealed from a decision of the first-level office, which held that the function to which the appellee and others were assigned was transferred from one competitive area to another and, therefore, the appellee should have been accorded the opportunity to transfer with the function.

The Board affirmed and found that the functional statement of the losing office indicated a geographic area of responsibility which, along with other substantial evidence, supported the conclusion reached by the first-level office. This conclusion was that a function was transferred from the losing office to the gaining office with which the appellee was identified, and that the agency was required to offer the appellee an opportunity to transfer with the function to the gaining office.

Acceptable Level of Competence

Negative determination—withholding material

This agency issued a premature negative determination, without adequate supporting documentation, and withheld documentation until the hearing, with the result that the appellant was not afforded full and fair opportunity to contest the negative determination. The Board, upon finding that the agency action violated the spirit and intent of CSC Regulations and that the action was arbitrary, granted the within-grade increase.

Reasons for denial

The Board rescinded and remanded an agency decision in another case, holding that a determination to deny a within-grade increase must be based on the employee's performance and cannot be based on factors outside his control, or for disciplinary reasons. Therefore, a within-grade increase cannot be denied on the basis that the employee was not on the job, for whatever reason, nor can it be denied on the basis of a physical handicap that prevents, in and of itself, the employee from performing up to standard.

Retirement

The first-level decision denied total disability for appellant's current position, which had been modified after filing for disability. The initial decision of CSC's Bureau of Retirement, Insurance, and Occupational Health was based on appellant's official position at the time of filing. The Board rescinded and remanded the case to the first level for determination of disability based on the official position at the time the application was filed, holding that an employee's rights always stem from his official position and the appointment under which he is serving.

—William P. Berzak

Who's a bureaucrat?

1972 Rockefeller Public Service Awards

AFTER 20 YEARS OF GIVING AWARDS to outstanding Federal employees, John D. Rockefeller III finally got one himself.

At the 20th anniversary luncheon of the Rockefeller Public Service Award last December, Elmer B. Staats, Comptroller General of the United States, turned the tables on Mr. Rockefeller by presenting him with a citation thanking him—on behalf of the Federal service and all winners of the award—for his contributions to the public service.

By originating and sponsoring the award, Mr. Rockefeller has done a great deal to destroy the notion that all Federal employees are narrow, unimaginative "bureaucrats" and, in the words of Mr. Staats, to "restore the morale and reputation of Government service."

"In the late forties and early fifties," Mr. Staats explained, "the career service had to survive the effects of scandals and witch hunts."

The Rockefeller Public Service Award program was originally set up to counteract the negative public attitudes prevalent at that time.

It has gone on, Mr. Staats said, to recognize "the quiet achievements of superb career officers in meeting the demands of the sixties and seventies in science and technology, in diplomacy, in conservation, in law and regulation, in correcting social injustice, and in coping with problems of choice and scale in management."

The Rockefeller Award, Mr. Staats said, also is responsible for:

☐ Setting in motion steps that led to the enactment of the Federal Training Act of 1958.

☐ Influencing establishment of other awards, some sponsored by the Government itself.

☐ And, most important, making the average citizen more aware that there are a great many able public servants who work long hours, frequently without recognition, seeking solutions to "the most complex problems of this or any other period in our history."

Considered the private sector's highest form of recognition for the Federal career worker, the Rockefeller Public Service Award was established in 1952 as a means of singling out the "unsung heroes" in the ranks of the U.S. Government. It is administered by Princeton University through its Woodrow Wilson School of Public and International Affairs and, since 1960, has carried a $10,000 tax-free grant for each recipient.

Award winners are selected each year by a panel of private citizens. Normally, five awards are given—one in each of five broad fields of Government activity—to men and women whose careers in the Federal service have been, in the opinion of the panel, "marked by sustained excellence."

1972 Honor Roll

Awards for 1972 went to:

☐ Vernon D. Acree—for "administration." Mr. Acree is Commissioner of Customs, Bureau of Customs, Department of the Treasury.

☐ Dr. Samuel C. Adams, Jr.—for "human resource development and protection." Dr. Adams is Assistant Administrator, Bureau for Africa, Agency for International Development.

☐ Dr. Wallace P. Rowe—for "professional accomplishment and leadership." Dr. Rowe is Chief, Laboratory of Viral Diseases, National Institute of Allergy and Infectious Diseases, of the National Institutes of Health, Department of Health, Education, and Welfare.

☐ Barbara M. White—for "intergovernmental operations." Miss White is Special Assistant to the Director, United States Information Agency, Career Minister for Information.

☐ Dr. Laurence N. Woodworth—for "professional accomplishment and leadership." Dr. Woodworth is Chief of Staff, Joint Committee on Internal Revenue Taxation, U.S. Congress.

Vernon D. Acree

"Mike" Acree was a Federal investigator for 35 years.

In the 40's and 50's the career service had to survive scandals and witch hunts. (Elmer B. Staats)

At age 53, he started thinking about the possibility of early retirement available to him as an investigator. But about that time, he says, "a very persuasive guy named John Connally," then Secretary of the Treasury, got to him and said, "Mike, I want you to take that job in Customs."

He has been Commissioner of Customs since May 1972.

According to a spokesman for the Rockefeller Award selection committee, Mr. Acree is an excellent example of what the committee meant when it ruled that "Federal employees serving by Presidential appointment in non-career positions are eligible for the award only if it is apparent from their records that they achieved their present posts through demonstrated distinction and extended service in career positions."

Mr. Acree started in Government as a clerk in the Treasury Department.

He then served as a Deputy U.S. Marshal in the Department of Justice; as an investigator in the U.S. Civil Service Commission; in the U.S. Army Criminal Investigation Division; in the Economic Cooperation Administration; in the Economic Stabilization Agency; and in the Internal Revenue Service before being appointed to the position he now holds.

At the present time he is responsible for laboratory analyses of materials to determine proper tariff rates, the training of dogs to sniff out drugs coming through the mails, investigation of frauds on the Treasury, and the running battle of trying to outwit drug smugglers, both amateur and professional.

"Any time a smuggler tries to come up with something new or different," Commissioner Acree says, "it's our job to out-think him."

Mr. Acree has been instrumental in curbing black marketeering in Allied-occupied Germany, in helping expedite the flow of the Marshall Plan aid to post-war Europe, and in restoring agency morale in the aftermath of scandals that shook the Internal Revenue Service 20 years ago.

Any time a smuggler tries to come up with something new or different, it's our job to out-think him. (Vernon D. Acree)

"Everywhere he has been," said Dr. William G. Bowen, President of Princeton University, "he has left his mark on improved methods of doing things."

Dr. Samuel C. Adams, Jr.

Dr. Adams' foreign aid career began in 1952 with a telephone call from an official of the Economic Cooperation Administration, an AID predecessor, asking him to join the foreign aid program in Saigon.

He agreed to go—and then asked, "Saigon, where is that?"

He served as an education officer in Saigon and then Cambodia for 5 years. In 1957, he temporarily interrupted his career to study at the London School of Economics and Political Science, the School of Oriental and African Studies at the University of London, Syracuse University's Maxwell School of Public Administration, and the State Department's Senior Seminar in Foreign Policy.

His subsequent assignments with AID and AID predecessors were as chief education advisor in Nigeria, 1958; International Cooperation Administration representative to Mali, 1961; AID Mission Director for Mali, 1962; and AID Mission Director for Morocco, 1965.

For his contributions in accelerating Morocco's development, Dr. Adams received that country's highest decoration—the Cross of the Ouissan Alouite—from King Hassan.

In 1968 Dr. Adams was named U.S. Ambassador to Niger, and in 1969 he was appointed head of AID's Africa Bureau.

His work has been widely recognized:

☐ He received the Arthur S. Flemming Award in 1957 for his work in Cambodia.

☐ In June 1971 he received AID's Equal Employment Opportunity Award for his role in increasing the number of United States minority firms, institutions, groups, and individuals involved in African development.

☐ Under his leadership, the AID Africa Bureau received a Meritorious Unit Citation in October 1971.

☐ He received the Ralph Bunche Award in February 1972 for his contributions to developing countries.

☐ And in May 1972 he received AID's highest award—the Distinguished Honor Award—for outstanding service.

According to a committee spokesman, Dr. Adams' career was seen by the Rockefeller Award selection committee as a model for the development philosophy he encourages new nations to adopt: "Expand the range of your knowledge and this knowledge—fueled with energy and tempered with compassion—will free you from the bondage of your past."

In presenting the award, Dr. Bowen of Princeton said that Dr. Adams appeared to the committee to be the type of man John D. Rockefeller described in his often-quoted remarks about requirements in the ideal public servant.

"He needs," said Mr. Rockefeller, "courage, sensitivity, and vision."

Dr. Wallace P. Rowe

Dr. Rowe's laboratory, according to Dr. Bowen, is "one of the most coveted for training by young men interested in viral oncology [the study of tumor-causing viruses]. Young virologists whom he has trained are now performing outstandingly in departments of microbiology and medicine throughout the world."

Dr. Rowe received his M.D. from Johns Hopkins School of Medicine in 1948 and has been with the Federal Government ever since. From 1949 to 1952 he was at the Naval Medical Research Institute, and in 1952 he joined the National Institutes of Health.

In his present capacity he directs the research activities of a laboratory of 45 staff members, but continues, himself, to be very much a "bench scientist."

His discoveries have changed ideas about the causes of disease and have deepened our understanding of the relationship between animal cells and viruses.

Dr. Rowe's discovery of the adenovirus as a culprit that enters a cell, becomes part of it, and emerges to infect other cells has led to the discovery of a large family of viruses that cause a number of respiratory diseases and eye infections.

Many of these viruses, he has found, are prevalent in infancy and persist in tonsils and adenoids for years. Today, because of Dr. Rowe's pioneering work in this field, some 33 types of adenoviruses have been identified.

In commenting on his work, Dr. Rowe says: "The mark of a good discovery is that in retrospect it seems trite, because it has changed thinking so much."

Another of Dr. Rowe's targets has been the murine leukemia virus, which produces leukemia in mice.

He describes his contribution in this area as "very prosaic," but as award officials pointed out, his experimentation with leukemia-prone and leukemia-free mice led to the first proof that the blueprint for a leukemia virus may be present in unexpressed form within the normal cell's genetic material.

The idea that a cell, through a genetic predisposition, becomes a factory manufacturing its own destruction holds implications for cancer research as well as for evolution.

As a result of his research, Dr. Rowe has gained international recognition as one of the world's outstanding virologists.

To the men who stood up for this woman's right to try her hand at a so-called man's job. (Barbara M. White)

Barbara M. White

A Career Minister for Information, Miss White holds the highest rank in the career service of the United States Information Agency. She is a special assistant to the Agency director and the only woman among the three career ministers designated by USIA.

Miss White joined the Office of War Information early in World War II. With the exception of four post-war years in Washington with the League of Women Voters, she has spent most of her time in U.S. overseas information and cultural activities.

She has served in Washington, Cairo, Rome, Turin, and Santiago and frequently has been cited for her qualities of leadership during her 26 years of Government service.

Fluent in French, Italian, and Spanish, Miss White believes that USIA personnel can't serve effectively overseas unless they can speak the language of the country they are in—"not just well enough for social gatherings," she says, "but well enough to transact complicated business in the language of the country."

In the opinion of the Rockefeller Award selection committee, Miss White's career parallels not only the growth and sophistication of the concepts of public as well as governmental diplomacy but also the changing Federal policy toward fully employing the talents of women within the civil service.

Since 1962, Miss White has held four jobs never before assigned to a woman.

When she addressed the awards luncheon, Miss White said she was pleased that "several of the men who, at the moments that counted, stood up for this woman's right to try her hand at a so-called man's job" were present. "Without them," she said, "I would not be here today."

Continuing, she said, "So I would like to raise my glass to them—and express the hope that there are others in this power-packed room who will follow their example . . . who, when someone says, 'a woman can't do that job,' will stand up and say, 'yes she can, yes she will.' "

Dr. Laurence N. Woodworth

Dr. Woodworth has helped draft some of the Nation's most important tax legislation.

A career civil servant on Capitol Hill for three decades, he is Chief of Staff of the Joint Committee on Internal Revenue Taxation. As such, he serves two masters—the Senate and the House of Representatives—in the complex task of giving form and language to income tax legislation.

"He has the unreserved trust and respect of the leadership of both parties in both houses of Congress," Princeton President Bowen said at the awards luncheon.

"One of the senior senators said of him, 'I know the Senate could not get along without him; for that matter I don't believe Treasury Department would know what to do if it didn't have a professional man of Woodworth's competence to work with in the Congress.' "

Dr. Woodworth arrived on Capitol Hill in 1944 as a staff economist with the Joint Committee and has been its staff director since 1964. He directs a professional staff of some 20 lawyers, economists, statisticians, and accountants—and takes pride in being strictly nonpartisan.

Knowledge will free you from the bondage of your past. (Dr. Samuel C. Adams, Jr.)

"Politics has absolutely no role in determining the people who will work on the Committee staff," he says. "It's competence that counts."

As Chief of Staff of the Joint Committee, Dr. Woodworth played an important role in the drafting of the 1969 Tax Reform Act, a measure that has been described as the most far-reaching legislation of this nature ever enacted by Congress.

"We're fortunate here to do work that may come to something," Dr. Woodworth says. "Much of what we work on *does* become law."

When he accepted the Rockefeller Public Service Award, Dr. Woodworth pointed out that he was 26 years old when he went to work for the same organization he works for now. "I find the work there really very exciting," he said. "So much so that when I've looked at other possible jobs that have come along they always seem dull in comparison."

An Inaccurate Reference

"Twenty years ago," Princeton President Bowen said at the awards luncheon, "the public service was rarely seen, either from within or without, as offering a career that promised great satisfactions. Indeed, careers in public service were held in low esteem.

"The late Senator Joseph McCarthy was questioning

Other jobs have always seemed dull in comparison. (Dr. Laurence N. Woodworth.) Presenting the Rockefeller Public Service Award to Dr. Woodworth (center) is Dr. William G. Bowen, President of Princeton University. The award was conceived and financed by John D. Rockefeller III, at right.

the allegiance and integrity of individuals by name and of whole categories of Government employees by generalization.

"The country seemed to be saying to its civil and foreign services that conformity was more to be prized than independent thought or the courage to buck the trend if that was the consequence of expressing one's own convictions.

"We moved perceptibly, in my view, toward ordering our national affairs on the basis of fear, rather than reason.

"It was in such circumstances that John D. Rockefeller III conceived these awards to honor extraordinary courage and achievement and also to bring to public notice a few outstanding examples of the many who devote most of their lives to working for all of us in what is sometimes referred to as the bureaucracy."

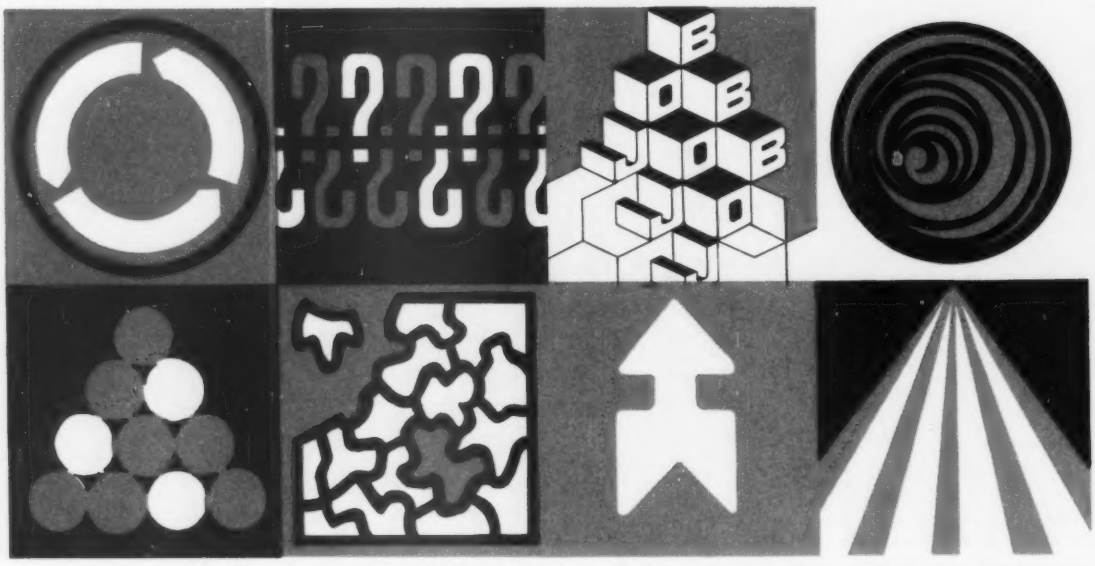
That referring to the government service as "the bureaucracy" is not altogether accurate is demonstrated by the careers of the five 1972 Rockefeller Award winners—and the 145 men and women who preceded them. As one of the 1972 winners testified when asked by an interviewer how he liked working for "the bureaucracy":

"It may be Government," he said, "but it certainly isn't bureaucratic."

#

The mark of a good discovery is that, in retrospect, it seems trite. (Dr. Wallace P. Rowe)

JOB RESTRUCTURING...



ONE ROAD TO INCREASED OPPORTUNITIES

by JEAN STEWART

TODAY THERE IS A GROWING REALIZATION that employees are placing greater value on job satisfaction, on the opportunity to grow in their careers by taking on progressively more responsible duties. Such basics as adequate pay and job security have hardly been cast by the wayside as important employee concerns, but more and more people are ranking the "intangibles"—growth and self-development—among those at the top of their lists of priorities.

In the Federal service as it stands today, however, there are several barriers that keep large numbers of people locked into low-level, routine jobs. One of the barriers blocking the progress of employees who have potential for growth is the very nature of the occupational structure itself. For most of the minimally skilled occupational ladders, which typically come to a dead end at a relatively low level, there is no natural way up and out. These occupations simply do not provide the experience necessary to shift into the higher level series, and a built-in gap exists that very few are able to hurdle.

MISS STEWART was a member of the CSC Project Team studying job restructuring while serving as a personnel management specialist on the staff of the Bureau of Policies and Standards.

The Federal Government has tried various ways of making it easier for employees at lower levels to move into more responsible jobs. Now there is an extra impetus to remove artificial barriers to advancement, with the President's memorandum of August 8, 1969, stressing the need to insure "opportunity for all persons . . . to seek and to achieve their highest potential and productivity in employment situations" and "the best possible utilization of the skills and potential of the present work force." The Federal Government has committed itself accordingly to improvement and expansion of upward mobility programs.

The development of new career systems through job restructuring is one technique—a powerful one—that works toward opening up new and broader vistas of opportunity.

Job Restructuring and Upward Mobility

First we need to understand just what the terms *job restructuring* and *upward mobility* mean. Job restructuring is the rearrangement of the way work gets done in an organization. It means setting up a different pattern of positions and duties in which about the same amount and type of work gets done overall. Of course there may be situations that require more than a re-

arrangement of existing work in order to increase opportunities for advancement. Organizational changes may be needed to bring either the workload or the type of work, or both, more into line with the unit's stated mission and purposes. Rearranging work is only one of the total array of tools at a manager's disposal.

Both the way the restructuring is done and the end result—the new work arrangement—vary depending on what goal the restructuring is intended to achieve. Job restructuring is a technique that can be used to help realize a variety of different goals. In the past, jobs have been restructured to increase the efficiency of organizations, to cut costs, and (during World War II) to dilute jobs in defense industries so that vital jobs could be done by minimally skilled people. At present, job restructuring is put to use chiefly as a tool to help increase upward mobility.

Upward mobility—giving employees the opportunity to move up to better paying, more responsible jobs—is a goal in itself. Several techniques can be used to open up mobility opportunities, which may or may not include the technique of rearranging work. In other words, job restructuring is a *method* that can be used to achieve various goals, whereas upward mobility is a *goal* that may be achieved by means of a variety of techniques.

Enter CSC's Project Team

Supported by funds from the Department of Labor, a Civil Service Commission project team was formed, with David L. Futransky as director. In October 1970 the project team started to explore the practical possibilities of job restructuring for upward mobility, and to work out the problems that might crop up in such an effort.

The team did its study in agency settings, having the double benefit of providing a real-world laboratory and giving concrete help to agencies in improving their efforts in the upward mobility area. During the 18 months alloted to the project, the team worked with two agencies of HEW—the Social and Rehabilitation Service (SRS) and the Department-level Office of the Comptroller. (The team also worked, with limited success, with the general services operation of the D.C. Government.)

In its short lifetime the CSC project team, supported by HEW staff members, developed several programs.

The team found a large gap between the clerical ranks and most of the highly graded professional series in its SRS study. To make it possible for lower level employees to move across the gap to professional career ladders, the team developed two new bridge jobs.

In one case, the team was able to take advantage of an occupation already on the books, that of budget technician. In the other case, a new occupation, social science technician, had to be created. The jobs were constructed in such a way as to provide progressively responsible duties from the trainee level up to duties directly qualifying the technician for entry into the professional ranks of social science analyst or budget analyst. Both jobs include a heavy dose of classroom and on-the-job training to make sure that the technician will be fully prepared for the target professional job by the time that level is reached.

The team's efforts in SRS had a far wider impact than just the creation of two new bridge jobs, important as that was. The initial project generated results far beyond its own immediate products, in something akin to a ripple effect. Working with the CSC team to develop these two new jobs, SRS staff members learned all of the basic techniques of job restructuring. They then went on to use their new skills by analyzing all the jobs in SRS, from which they developed 35 bridge jobs in 11 different occupational areas. These form the core of Project Bridge, the overall upward mobility program for the agency, now being implemented.

SRS also used the original job descriptions prepared by the CSC team as patterns for all subsequent job sheets developed for technician positions. Beyond this development, the Department as a whole is using the training agreement between SRS and CSC as a model for all the HEW agencies.

Elsewhere in HEW, the Division of Data Processing in the Office of the Comptroller had developed a training course to enable lower level employees to qualify as computer operators, but had not been able to get it underway. Members of the CSC team were able to help the Division by developing selection procedures and giving technical assistance in drawing up a training agreement. The training course was successfully completed, and nine people were placed as computer operators within the Division.

Together with two HEW staff members, CSC team members did a thorough organizational and job analysis in the HEW Audit Agency, also within the Comptroller's office. They found that much of the actual work the auditors were doing was not accounting, but management auditing. That is, it involved the study of management systems in terms of efficiency and effectiveness, a function similar to management analysis.

The upshot was a recommendation to change the Audit Agency's occupational mix from a staff composed only of accountants to a combination of accountants and management analyst/auditors, a series currently on the books but not yet in widespread use in the Federal Government. In addition, the team developed a bridge job—management technician/auditor—to provide a transition for lower level employees to eventually become full-fledged management auditors.

The Comptroller accepted all the team's recommendations, and the program is now underway. It is expected that 24 technicians will be on board within the next 2 years.

The other agency setting team members studied was the general services operation of the District of Columbia Government. Here the team found that the job restructuring technique was *not* the answer to improving opportunities. There simply were not enough jobs at higher levels in most of the general services area from which to select the lower level tasks needed for building bridge jobs. The general services print shop presented a different sort of obstacle: Here, an employee's grade depends directly on the complexity of the machine he operates, presenting no opportunity for restructuring as such.

This experience was also valuable, however, in that it clarified the kinds of situations in which restructuring is not feasible. Team members studying this area were able to use their analysis as a basis for making recommendations on other ways to increase upward mobility.

In the areas in which restructuring *was* the answer to problems of employees in dead-end jobs, efforts of the team did not stop with developing bridge jobs. Once jobs are designed from the raw material of the job analysis and formalized into job descriptions emphasizing progressively more responsible work experience, several other steps must be carried out before the new career system can be put into operation.

For each bridge job, team members developed qualification requirements emphasizing the basic skills and abilities needed to do the work, rather than requiring specialized experience. Procedures for selection to emphasize potential and motivation were developed by the team's selection specialist. Since training is a crucial element in any upward mobility program, a plan was worked up for each bridge job detailing the training needed to supplement work experience in preparing employees for target positions. In addition, training agreements were drawn up at the request of the agency (it is up to the agency to decide whether or not a formal training agreement is required).

Implementing a job restructuring program, then, involves considerably more than meets the eye. It requires a considerable amount of solid, technical expertise—expertise that most agencies undoubtedly already have, at least in part. But some agencies may have difficulty "putting it all together," to coordinate the various specialties such as training, selection, classification, and so forth in the way needed to implement job restructuring programs successfully. The CSC team has developed a training package and handbook for the Commission's Bureau of Training, providing Federal agencies and State and local officials with some of the benefits of the team's project experience, with the nuts and bolts of how to do job restructuring successfully.

What Good Is Restructuring?

Restructuring jobs in an organization is, of course, no magic cure-all. It may only be a part of the answer to a problem, or it may not be appropriate at all. In most cases, however, restructuring jobs is a very useful tool for achieving change if it is used together with other managerial tools and strategies, and if it is used in a planned and systematic way.

From the employees' point of view, it can offer some greatly expanded opportunities for advancement and for putting their potential to use. New and expanded career ladders can help them map out clearly their future career paths. When employees know what they realistically can expect, there is usually a dramatic reduction in rumor mills, "gripe" sessions, unrealistic expectations, and similar misunderstandings. Restructuring not only provides the route for employees in dead-end jobs to advance to higher, more responsible positions, but in so doing also frees more entry-level slots for minimally skilled employees.

Several dividends can accrue to an organization from the use of job restructuring. If employees have greater job opportunities open to them, and a clear knowledge of how far they can expect to go and what steps can be taken to reach their goals, it stands to reason that morale, motivation, and effectiveness will increase.

One of the most direct benefits of restructuring is to relieve professionals of a burden that too many now have to carry. Professionals often have to perform quite a few supportive tasks together with their regular professional duties. The first step in restructuring these jobs is to pinpoint the lower level duties and to learn their extent through task analysis. If there are enough suitable tasks, these can be factored out of the professional jobs and recombined to form bridge jobs composed of technician-type duties. This not only helps the technician prepare for entry into the professional occupation but also increases the profesional's effectiveness, and undoubtedly his morale as well.

On a broader scale, restructuring jobs can result in smoother and more efficient management, with improved manpower utilization. By concentrating effort on tapping skills and developing potential, the manager does more than show employees that here is a "good guy"—he also cuts down on waste and achieves greater efficiency by making the best use of resources at hand.

As one example, an employee's actual performance in a bridge job can be used as an indication of growth potential. He is also being oriented and trained in the organization's procedures and job skills. The manager may find that "growing his own" professionals in this way is more effective recruiting than having to depend mainly on test scores and academic records, as well as saving orientation and training time and cost.

Through job restructuring, a manager is required to look at the organization as a system, to analyze each part with greater precision and to fully understand the relationship among organizational units, workflow, and goals. Such expanded understanding can help managers avoid piecemeal management, or "management by

crisis." Instead, they develop a greater capacity to conduct organizational and manpower planning, and to prepare for contingencies ahead of time.

Having to study the organization in depth may also stimulate a manager to change old assumptions and consider innovations in the form of reexamining job qualifications or re-thinking organizational patterns.

Another valuable spin-off is a reduction in average grade level. With a different job mix including bridge positions, the work is spread over a greater grade range and fewer high-level people are needed. Improved training programs and selection procedures often result from the implementation and continued functioning of the new work arrangement.

It is quite possible that in the long run restructuring can result in reduced cost through increased efficiency and productivity. In the short run, though, costs will no doubt be higher as change usually costs money. Short-run cost increases can be minimized when restructuring is done in areas of reorganization and growth, and in occupational areas where the restructuring can be easily duplicated in other parts of the organization.

To keep from painting too rosy a picture of what job restructuring can do, it must be said that there are plenty of obstacles to successful restructuring. The great majority of these obstacles can be overcome, however, through a combination of imaginative thinking and solid groundwork in technique. And, as our project team discovered, the results can be well worth the effort.

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INTERGOVERNMENTAL PERSPECTIVES

The U.S. Civil Service Commission has a responsibility under the Intergovernmental Personnel Act (IPA) to coordinate, collect, maintain, and disseminate data on strengthening State and local government personnel administration.

To meet this responsibility, the Commission's Bureau of Intergovernmental Personnel programs has established a Personnel Management Information Service (PMIS), headed by Wayne Cobb.

PMIS has the following four major objectives:

—To develop and maintain a centralized file of essential information regarding IPA and IPA-related projects completed or underway.

—To provide a source for regular dissemination of IPA grant and technical assistance project information to interested publics.

—To provide a focal point for the coordination of similar or related project proposals.

—To provide a continuing personalized information exchange service that brings particular projects to the attention of specific persons and organizations.

To achieve these objectives, the Service is drawing information from and disseminating information to a variety of organizations. Initially, the principal sources of information are the project descriptions, reports and products emanating from IPA grants, and technical assistance activities. The primary recipients of information are State and local governments, both directly and through their various organizations.

Current efforts of the Service are being concentrated on:

—Summarizing all of the projects undertaken and products coming from FY 1972 IPA grants, and preparing and distributing summaries of these activities to a wide range of publics.

—Establishing a consolidated data file containing a summary of every project undertaken with IPA support during FY 1972, in the central office and in each of the ten regional offices.

—Developing procedures to facilitate input on a current basis of descriptions of activities funded by the IPA grant program in FY 1973, and for subsequent years.

The first issuance from PMIS was *Summary of Selected IPA Products.* It contains a brief summary of some of the products resulting from FY 1972 IPA grant projects.

The second type of regularly published material from PMIS consists of summaries of IPA projects currently underway.

The reports include: *Summary of FY 1972 IPA Projects in EEO; Summary of FY 1972 IPA Projects in Automated Data Processing; Summary of FY 1972 IPA Projects in Test Validation, Employee Health, Safety, and Welfare, and Labor-Management Relations; Summary of FY 1972 IPA Projects in Recruiting, Examining, and Selection;* and *Summary of FY 1972 IPA Projects in Strengthening the Central Personnel Agency.*

More reports are coming off the press covering areas such as planning and administering IPA programs, classification and pay, and training.

Limited numbers of copies of these reports are available, free of charge, by writing Personnel Management Information Service, Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415, or by telephoning (202)632-7748.

—Lea Guarraia

OF JOB FACTORS AND BENCHMARKS

The question might be asked, "What *is* a factor ranking system and how are benchmark positions used in job evaluation?" This can best be answered by looking at the work of CSC's Test and Implementation Group (TIG), established to test the concept of factor ranking/benchmark evaluations.

The Test and Implementation Group, in close cooperation with agencies, began its work by selecting descriptions of 147 positions for testing. These were descriptions of some of the most commonly found jobs in Government.

Panels made up of Federal managers, with some representatives of unions and professional organizations, ranked the jobs selected for study in a process called *whole job ranking*. It was thought that if the whole job ranking method could produce quick, consistent, and understandable classification actions throughout the Federal service, this would be the method to use. Our study showed it was not the one, that whole job classification is not adequate for an organization with a large number and variety of occupations, with jobs located worldwide, and with highly decentralized classification authority.

Thus it was decided to try measuring jobs through a *factor ranking process*. Five factors are considered: knowledge required to do the job; responsibility; difficulty; personal relationships; and environmental demands. Every job is measured in terms of these five considerations, which become the yardsticks of the methodology.

For each factor, a separate guidechart is being designed to measure a job in factor terms, with each chart describing degrees of that factor and assigning a point value to each degree. The factors are weighted in terms of their influence or importance to the job as determined statistically.

The guidecharts are designed in an interesting manner. Panels similar to those previously described ranked the same 147 jobs in terms of each factor. These factor rankings are processed by a computer to provide a variety of data, including the approximate weight of each factor.

The computer processing also shows how the 147 jobs group themselves, through the panel ranking process, into clusters under each factor. For example, if all 147 jobs fall into five different clusters under the factor of "responsibility," it can be said that five degrees of "responsibility" exist among the 147 jobs. The top cluster will contain jobs with the highest level of responsibility, and a definition of this level can be developed by describing the common threads of responsibility found within these jobs.

In a manner similar to this, degree definitions are being developed for each of the factors, with appropriate point values assigned to each degree definition. There will be a separate guidechart for each factor that could be used as the basic job evaluation tool for the Federal service but for the fact that the language contained in guidecharts is necessarily general and would be subject to varying interpretations. To minimize these differences, specific benchmark position descriptions are being developed as the classification standards, or grade-level criteria.

Each benchmark contains a description of the major duties of the position, and a description of the characteristics of each job in terms of the five factors included in the factor ranking process. The Commission will issue benchmarks for jobs found throughout the Government, and individual Federal agencies will issue benchmarks for positions peculiar to their organizations.

A benchmark position description will contain the appropriate point values for each factor, and the sum of these points will be converted to a General Schedule grade through a conversion chart issued by the Commission. Position classifiers will compare jobs to be classified with the benchmarks; if an exact match exists, the position will be preclassified.

It may be necessary to compare a position with several benchmarks. When a match is found in a particular factor, the point value attached to that factor on the benchmark will be assigned to the corresponding factor of the position being evaluated. The sum of the point values of all the factors determines the grade level of the new position.

In the absence of a match for one or more factors, the classifier must use the guidechart, select the appropriate degree definition, and assign the point value of that degree to the factor of the new position. If there are no applicable benchmarks, the position is classified by reference to all of the guidecharts, factor-by-factor.

Although this method of job evaluation is only under study now, it already gives every indication of satisfactory use as the method of the future. It is relatively simple to apply, provides accurate and consistent identification of skill levels, and produces valid and reliable job evaluations. Also, it is sufficiently flexible to accommodate new occupations or major modifications in jobs that result from technological developments and changing social values.

—Milton R. Boss

SPOTLIGHT ON LABOR RELATIONS

Intensive organizing efforts by labor unions among Federal employees during the past decade have pushed the number covered by exclusive recognition to a record high of 55 percent of the non-postal work force as of November 1972. Since 1965 alone, exclusive coverage has more than tripled. Following these impressive gains, the rate of organizing activity appears to be entering a leveling-off phase.

The latest annual survey of union recognitions and agreements compiled by CSC's Office of Labor-Management Relations reveals that 1,082,587 non-postal employees were covered by exclusive recognition last year, compared with 1,038,288 in 1971. This 4-percent gain is the smallest increase since the 1968–69 period when the issuance of a successor order to Executive Order 10988 was being awaited.

Some apparent reasons for the leveling off are (1) fewer employees left to organize, (2) greater concentration by unions on consolidating gains rather than on seeking new units, and (3) reductions in employment.

White-Collar, Blue-Collar, and Postal Activity

The recent trend toward increased organization of white-collar employees continued relatively strong, as evidenced by a 9-percent gain in coverage. Forty-six percent (655,498) of all white-collar workers are now in exclusive units, compared with 42 percent (600,702) in 1971.

On the other hand, due largely to a decrease in the blue-collar work force, the number of workers under exclusive recognition in this category dropped by 2 percent—from 437,586 to 427,089—to 83 percent of the total blue-collar force.

In the Postal Service, cutbacks again caused a decline in the actual number of workers represented by unions—from 623,082 to 604,660. Even so, the proportion covered rose from 88 percent to 91 percent of the work force.

Organizing, Bargaining Trends

The leveling off in organizing activity, in terms of added employees under exclusive recognition, is further demonstrated by the small increase in the number of exclusive units. The number of exclusives grew by only 12 last year, bringing the total to 3,392. Individual units are growing larger, however, with the average size going from 307 to 319 employees.

Bargaining activity, as measured by new gains in the number and coverage of negotiated agreements, produced 51 additional agreements covering 46,180 workers last year. This increase of 3 percent in agreements and 7 percent in employees covered brought the totals to 1,694 and 753,247 respectively. Almost 50 percent of the recognized units had agreements—covering 39 percent of all non-postal Federal employees.

The annual recognitions-and-agreements census bearing the title *Union Recognition in the Federal Government—November 1972* may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

—J. Felix Sanders

"BIG SIX" NON-POSTAL UNIONS

Broken down by white-collar and blue-collar representation and by the percentage change in overall exclusive coverage over the year, the following table illustrates how the "Big Six" non-postal labor organizations fared in 1972:

Organization	*Blue Collar*	*White Collar*	*% of Change*
American Federation of Government Employees	218,051	402,693	+2
National Federation of Federal Employees (Ind)	29,609	84,811	+7
National Association of Government Employees (Ind)	39,939	42,248	−1
Metal Trades Councils	54,566	2,472	−7
National Association of Internal Revenue Employees (Ind)	.....	46,522	+13
International Association of Machinists	28,461	2,124	−2

QUOTABLE QUOTABLE

The 90th anniversary of the merit system prompted the Federal Times *to give the occasion considerable space in its January 31, 1973, issue. In an editorial titled "Anniversary Salute," the* Federal Times *had this to say:*

THIS YEAR we mark the 90th anniversary of the merit system in the selection of government workers. We've come a long way since 1883 when it was who, and not what, you knew that mattered.

In this issue we devote a number of pages to recognition of the anniversary. Our emphasis is on where we are going, rather than on where we have been.

Progress to this point has been great. The program can look back on a record of achievement. But, this is not the time for the system to rest on its laurels. Much remains to be done—happily, serious work is in progress in many areas. Let's review a few of them.

Proposals soon are due on a review of the appeals system. They should ultimately produce changes which will make the system more fair and more responsive to employee needs.

They also should make it possible for a case to be resolved in much less time than it now takes.

Also in the review stage is the whole bargaining area. The Civil Service Commission is looking at what the personnel manuals say and what they do not say about the scope of bargaining. Out of this review should come much more realistic policies. The creation of an effective program in which labor and management can work together ultimately could prove almost as important as those changes way back in 1883.

Testing to identify employee capabilities was a keystone of the original program. Testing still is important today, but it is being looked at in a different light. There is a growing awareness that tests of academic ability should be only a part and not all of the determination process. The day this concept is given full recognition will be another important milestone on the civil service road.

Life itself is a learning experience. It is encouraging to see this experience begin to get some recognition along with formal education and training.

Perhaps the biggest change we will see will be in the area of employee evaluation. For too long we have relied on a rating system limited to "satisfactory, unsatisfactory, or outstanding." There was little or no effort, for instance, to determine if the worker was happy in the job to which he was assigned; no concern about whether he was satisfied with the progress he was making.

A major step toward streamlining both the evaluation and classification process was reached with completion of the Oliver Task Force report. This was a comprehensive study of the system and a complex plan for revisions designed to make it meet current needs. The report went to the Congress and it still languishes there, waiting for action that may never come.

But, like many ideas considered too "radical" for their time, segments of it still may find their way into the system. The CSC is studying the report and determining if the benchmarks or other parts can be adapted to fit into the current system.

These are just a few of the things happening in the civil service. The next 10 years probably will bring more changes than came about in the last 90.

The only way a system can stay alive and efficient is to retain within it the capability for adapting to change. There are healthy signs on the horizon that this system has the ability and the leadership to bring the merit principle to new heights in the public service. At a time when things sometimes look dark for the government worker, this truly could be the light at the end of the tunnel.

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WORTH NOTING (CONT.)

the Commission for possible bargaining changes include those affecting length of the probationary period, length of the trial period, performance evaluation, and reduction in force.

☐ RETIREMENTS of two bureau directors and a regional director triggered several key personnel changes at the Civil Service Commission.

Those retiring are:

—Kimbell Johnson, 59, Director of the Bureau of Personnel Investigations.

—Gilbert A. Schulkind, 55, Director of the Bureau of Personnel Management Evaluation.

—Louis S. Lyon, 60, Director of the Dallas Region.

Replacing them:

—Robert J. Drummond, Jr., 54, former Director of the Commission's New York Region, succeeds Mr. Johnson.

—John D.R. Cole, 45, former Deputy Director of the Bureau of Policies and Standards, succeeds Mr. Schulkind.

—William G. Wendell, 45, former Director of the Commission's Seattle Region, succeeds Mr. Lyon.

These retirements and replacements, in turn, caused the following changes:

—Thomas G. McCarthy, 46, Deputy Director of the Atlanta Region, replaces Mr. Wendell as Director of the Seattle Region.

—David Caldwell, 44, Deputy Director of the Dallas Region, replaces Mr. McCarthy as Deputy Director in Atlanta.

—Edward Vela, Jr., 38, Area Manager of the Commission's San Antonio Area Office, replaces Mr. Caldwell as Deputy Director in Dallas.

—George McQuoid, 46, Deputy Director of the New York Region, succeeds Mr. Drummond as Regional Director there.

—Miss Virginia M. Armstrong, 43, Chief of the Intergovernmental Personnel Programs Division in the New York Region, succeeds Mr. McQuoid as Deputy Regional Director.

☐ SIX EXECUTIVES of governmental associations were honored for their contributions to the development and implementation of the Intergovernmental Personnel Act at ceremonies commemorating the 90th anniversary of the Federal civil service January 16.

The association executives honored were Charles A. Byrley, Director, National Governors Conference; Brevard E. Crihfield, Executive Director, Council of State Governments; John Gunther, Executive Director, U.S. Conference of Mayors; Bernard F. Hillenbrand, Executive Director, National Association of Counties; Mark E. Keane, Executive Director, International City Management Association; and Allen E. Pritchard, Executive Vice President, National League of Cities.

Employees of the Bureau of Intergovernmental Personnel Programs, as a group, also were cited at the ceremonies for their "exceptional record of achievement in bringing to life the provisions of the Act."

The Commissioners' Award for Distinguished Service, highest honor accorded a Civil Service Commission employee, was presented to Edward A. Dunton, Deputy Executive Director of the Commission, for his "career-long efforts to achieve operating improvements and economies."

☐ SUPERGRADE REQUIREMENTS of Federal agencies were requested by Robert E. Hampton, Chairman of the Civil Service Commission.

Asking agency heads to list their requirements "in descending order of priority," Chairman Hampton explained that the only supergrade jobs the Commission has to allocate are those it recalled last December in connection with the President's freeze on hiring and promotions in the executive branch.

Because so few of the positions are available, he pointed out, the Commission will distribute them very carefully to best meet the President's priorities on a Government-wide basis. The previous allocations of the positions will have no bearing on the distribution.

"The number of requests we will receive," he said, "probably will exceed the number of resources available, no matter how stringent the criteria we prescribe. Therefore, each agency's top managers must insure that each supergrade resource is placed where its contribution will be greatest."

☐ INTERGOVERNMENTAL AFFAIRS Fellowship Program for 1973 began March 25. Under the program, 15 Federal and eight State and local government executives with policy-making roles in grant programs received 10-week work/study assignments designed to increase their understanding of grants-in-aid. Fellows from Louisiana, Michigan, New Mexico, Atlanta, Chicago, and Denver received assignments in the Washington, D.C., area with the General Accounting Office (GAO), Action, and the Departments of Transportation (DOT), Housing and Urban Development (HUD), Labor, and Health, Education and Welfare (HEW). Federal Fellows from GAO, HUD, DOT, HEW, and the Civil Service Commission were assigned to the States of Maryland, Pennsylvania, New Jersey, Delaware, Texas, Virginia, and Louisiana, and to Richmond, Va., St. Petersburg, Fla., and Atlanta.

☐ RETIREMENT FUNDING is alive and well. The Civil Service Commission reported to Congress that 1969 amendments to the retirement law were successful in strengthening the financial integrity of the system. The Commission and the Board of Actuaries agreed that employee deductions and agency contributions should be kept at the present 7-percent level pending further experience with a trend of increasing early retirement rates.

—Tom Kell

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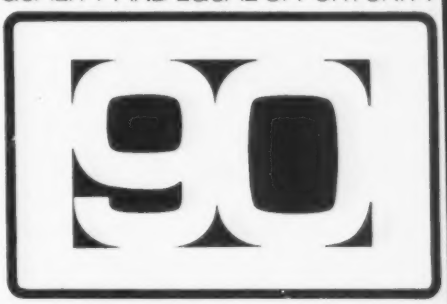

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